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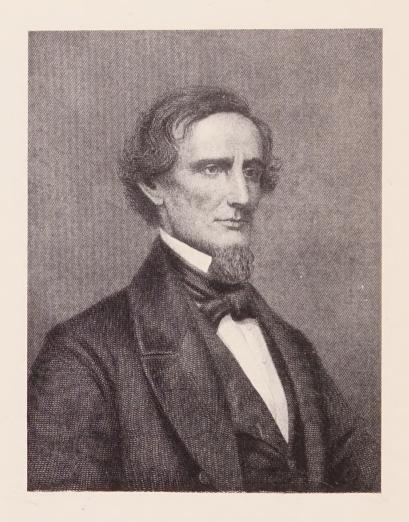




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Jeggus Danis

AS HE APPEARED DURING THE WAR

JEFFERSON DAVIS

CONSTITUTIONALIST

HIS LETTERS, PAPERS AND SPEECHES

COLLECTED AND EDITED BY DUNBAR ROWLAND, LL.D.

DIRECTOR OF THE DEPARTMENT OF ARCHIVES AND HISTORY
OF THE STATE OF MISSISSIPPI, SECRETARY
MISSISSIPPI HISTORICAL SOCIETY

VOLUME IV

JACKSON, MISSISSIPPI 1923

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JEFFERSON DAVIS, CONSTITUTIONALIST HIS LETTERS, PAPERS AND SPEECHES

Remarks of Jefferson Davis on the Army appropriation bill. Feb. 26, 1859.

Mr. DAVIS. There are some amendments which I wish to offer from the Committee on Military Affairs. The first amendment is, to strike out all between the word "no," in the line eighty-nine, to the word "approve," in the ninety-third line, being in these words:

"Portions of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters, until plans, with full specifications and detailed estimates, shall be submitted to Congress and the same shall be;

and in lieu thereof to insert:

Permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress and shall have been.

So as to make the proviso read:

Provided. That no permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress and shall have been approved by a special appropriation for the same.

Mr. DAVIS. I will state that the proviso, as it now stands—

Mr. HUNTER. I understand the amendment, and have no objection to it.

The amendment was agreed to.

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Mr. DAVIS. The next amendment which I offer is, to strike out the proviso from the ninety-fourth to the one hundred and first line, as follows:

"Provided, further, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of an appropriation made by Congress, shall, upon conviction before a court-martial, be dismissed from the service, unless he shall exhibit, as his justification, an order in writing to make such disbursement from his superior officer, approved by the President of the United States."

This is very unnecessary legislation, and, I think, somewhat unwise. The law, as it now stands, restricts such practices to a very few cases—subsistence, transportation, and clothing of the Army. It is quite improper, I think, to deprive them of that power, and it is now very closely guarded. I do not think this provision will guard it at all more fully than at present, though it attempts to hold over the officer who makes the purchase, as a threat, the loss of his commission. It is well known that the disbursing officer, must purchase when ordered by a superior officer, as is stated here; but then, when it requires the approval of the President of the United States, it requires an impossibility. An army operating in front of another certainly could not wait to get an order from the President of the United States to authorize them to purchase mules with which to drag the artillery with which they were going into battle. The thing seems to me quite out of the question. I hope the Senate will strike it out.

The amendment was agreed to.

Mr. DAVIS. The next amendment is in line one hundred and forty-five, to strike out all after the word "fortifications," and insert "including experiments on heavy ordnance for that purpose, \$200,000," so that the clause will read:

For armament of fortifications, including expenses on heavy ordnance for that purpose, \$200,000.

Mr. HUNTER. The estimate for armament of fortifications was \$300,000. The House of Representatives cut it down to \$150,000, and I understand the reduction was made with the consent of the chairman of the Military Committee there, and the Secretary of War—probably on his advice; and under such circumstances, it seems to me, if they think these retrenchments

can be made, we ought to permit the appropriations to remain where the House has put them.

Mr. DAVIS. I think there is an error about the consent of the Secretary of War. However, I will state very briefly what the amendment I offer means. As the bill now stands, it appropriates \$150,000 for armament of fortifications. The estimate was \$300,000. According to the progress which we are now making, we shall not have a sufficient armament for the fortifications now in course of construction for forty years to come: and yet the House of Representatives have cut down the estimate one half. If this be judicious economy-and I am not disposed to raise that question at this time—I say, let it stand; but we want experiments in heavy ordnance. We wish to construct at least one gun of a caliber hitherto unknown in the United States—say a fifteen-inch gun; and in order to do this. we propose to increase the appropriation \$50,000, for experiments in heavy ordnance, essentially with a view to the construction of one gun of heavy caliber. The largest now in the world is twenty-eight inches. It is supposed, by the officer who has had special charge of these investigations, that a gun of fifteen-inch caliber will fire very effectively three miles; and with an elevation, so as to make the aim somewhat uncertain, will fire effectively as much as five miles. I am anxious that the experiments should be made. For years past the appropriation has been sought. It is now brought into a condition which, I think, commends itself to the wisest considerations. I hope, therefore, that the appropriation will be increased the sum proposed, for the purpose stated in the amendment-experiments on heavy ordnance.

Mr. HUNTER. Perhaps I was mistaken as to the estimate having been cut down by the consent of the Secretary of War. I understood it was done with the consent of the chairman of the House Committee on Military Affairs; but, possibly, I may be mistaken. Certainly, however, the reduction came from the Military Committee of the House, and was sanctioned by the House.

Mr. TOOMBS. I call for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DAVIS. On account of the opposition which is manifested, I wish to say one or two words in relation to this matter. Within a few years past the world has gone on improving in ordnance and in ordnance stores. It has been the particular point of manufacture to which ingenuity has been most directed.

We are falling behindhand. In order that we should keep pace with the rest of the world, it is necessary that these experiments should be made. The appropriation being reduced by the House one half, there will not be funds enough to make the experiment, and to construct such a gun as I have spoken of, which is connected with these experiments. If we expect to defend our seaboard cities against naval attacks, we must keep pace with the improvements in ordnance. I think it is quite practicable for guns on shore always to be in advance in caliber and efficiency of guns afloat; but if we stand still upon the old caliber and mode of construction, we must go into combat, if combat ever should ensue, with all the disadvantages of not having the modern improvements in ordnance.

Mr. TOOMBS. I understand that this reduction in this particular service was made by the other House, with the assent of the Military Committee there, and the assent of the

proper Department.

Mr. DAVIS. I think not by the assent of the Department.
Mr. TOOMBS. I so understood the chairman of the Committee on Finance.

Mr. HUNTER. It is quite possible that I was mistaken. The chairman of the Committee on Military Affairs, I presume, knows better than I do. It had the assent of the Committee on Military Affairs of the House.

Mr. WILSON. I think there is a mistake in regard to the

action of the House Military Committee.

Mr. TOOMBS. I was only repeating the words of the chairman of the Finance Committee. I knew nothing about it, and said nothing about it, of my own knowledge. I simply called attention to the statement of the Senator from Virginia, which

he made upon authority, as I supposed.

Mr. DAVIS. I do not know that there is much difference between the chairman of the Committee on Finance and myself. He has made a certain statement, which statement may be right in one particular, but wrong as to the conclusion, I am sure; because I know the Secretary of War is anxious to have this heavy ordnance constructed, and to have these experiments, which have already been commenced, carried to completion.

Mr. HUNTER. I have no doubt I was mistaken as to the

Secretary of War.

Mr. TOOMBS. I should think so, too. It is generally the case that persons connected with that Department, and especially the present Secretary of War, very rarely ask for reduction in that arm of the service. I thought it was a little strange

that he should recommend a reduction. He wants to enlarge that service, doubtless under the impression that the public interest requires it; and, therefore, I did not think it likely that he would propose a reduction.

Mr. HUNTER. Some of these reductions the Secretary of

War did propose. There is no doubt about that.

Mr. DAVIS. The remark of the Senator from Georgia requires but a single word in reply. The fling he made at anybody who is at the head of that Department, would be more appropriate if he could show that the recommendation is unjust. There is something, it seems to me, especially unwise in merely cutting down dollars, without knowing anything about the service, and arraigning those who study the service, and present the estimates to meet it.

Mr. TOOMBS. I concur with the Senator from Mississippi: but not upon the principle upon which he puts retrenchment, as I heard him say, the other day. I say, when a branch of the public service has been carried up millions of dollars in two or three years, it devolves upon those who manage it to give the reasons for the increase. I have done what becomes me, as a Senator and as is my duty. I have looked through the reports of these Departments. When I can find no sufficient reasons for a great enlargement of the public service. I think it my duty to cut it down, without knowing the contrary to appear. When the public service is to be enlarged, when large expenditures are proposed for the military arm of this Government, the information upon which it is based should be laid before us. There should be satisfactory reasons and facts shown to me, as one of the guardians of the public purse, why I should agree to it; not that I should show that the estimates are wrong. You may take the estimates of the quartermaster's department, \$7,000,000, and how is it possible for any Senator to understand how much it is proper to appropriate? If the Army has the same duty to perform, the same amount of public service in the same country, and yet has been increased in two or three years from ten or twelve to \$18,000,000, I say, it becomes my duty, until it shall be shown that there is an increased necessity for this service, to assume that it is wrong and improper, and ought not to be made. That is the basis of my action.

Mr. MALLORY. If there is any one branch of the military service of the United States at this time demanding special and particular attention, it is the improvement of heavy ordnance. While England and France spend millions of dollars upon that arm of their military service, we have spent single dollars only.

We have gained immense experience, at comparatively little

cost, during the late war in the Crimea.

The Senator from Georgia says he must be shown the necessity of this service. Here is a miserable appropriation of \$50,000; and the chairman of the Committee on Military Affairs tells us, if we go on at the present rate providing heavy ordnance, we shall not have guns enough for sea-board defense in forty years. That is his statement. I know that all your leading fortifications covering the Gulf of Mexico are unprovided with guns. There are a few guns in one of them; but those are of smaller caliber than any ship which might be brought to operate against that fortification would have. When we are told that, at this rate of proceeding, we should not provide guns enough in forty years for sea-board defense, and here is a paltry appropriation of \$50,000 to make these experiments, which is the smallest sum that will be serviceable, I see no reason for hesitating.

The question being taken by yeas and nays, resulted—yeas

29, nays 11; as follows:

YEAS—Messrs. Allen, Bates, Bigler, Bright, Broderick, Brown, Chesnut, Clingman, Collamer, Davis, Fessenden, Fitch, Fitzpatrick, Foot, Gwin, Houston, Iverson, Johnson of Arkansas, Kennedy, Mallory, Reid, Sebastian, Seward, Shields, Simmons, Smith, Ward, Wilson, and Wright—29.

NAYS—Messrs. Durkee, Harlan, Hunter, Johnson of Tennessee, Jones, Mason, Polk, Pugh, Slidell, Toombs, and

Trumbull-11.

So the amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation "for ordnance and ordnance stores, including horse equipments for the mounted regiments," from \$150,000 to \$250,000. I send to the desk a letter of the Secretary of War to be read, and afterwards a word of explanation, I hope, will suffice.

The Secretary read the following letter:

WAR DEPARTMENT, February 24, 1859.

SIR: The appropriation for ordnance, ordnance stores, and supplies having become exhausted, in consequence of the heavy expenses incident to the recent operations on the frontier, and the sum of \$100,000 being required for expenditure under that head before the 30th of June next, I beg leave to call the attention of your committee to the matter, and have the honor to re-

quest that authority may be obtained to anticipate the appropriation for the next fiscal year, to that extent.

Very respectfully, your obedient servant,

JOHN B. FLOYD, Secretary of War.

Hon. Jefferson Davis, Secretary Chairman of Committee on Military Affairs, Senate.

Mr. DAVIS. The request of the Secretary of War is to have \$100,000 of the appropriation for the next year to be used during the present year, on account of the exhaustion of the particular kind of stores there described. His estimate was \$250,000. That estimate has been reduced in the other House to \$150,000. We propose to give him \$100,000 to use during the present fiscal year. Unless we increase the amount in the bill, it would leave him but \$50,000 for the next year, which is known to be quite inadequate. We therefore propose to restore the estimate, and give him the authority which he asks.

Mr. PUGH. This seems to me to be a part of the arrangement to restore all the sums which the House has cut down. Here is a definite deficiency of \$100,000 on one item for the present fiscal year. If we are going to have retrenchment, I think we had better stand by what the House has done. I shall

ask for the yeas and nays.

Mr. DAVIS. The Senator is wrong in every one of the points he makes. In the first place he got the sum wrong, and in the second place, he got the amount the Secretary asks wrong. He asks it not because he has incurred debts as a deficiency, but he asks it because the stores are exhausted, and he wants them reissued. He either must buy them on credit, as part of the equipment of the Army, and pay more for them than when he buys them with cash, or we must give him authority to anticipate the appropriation. Then again, we do not propose to restore every estimate which has been cut down in the House of Representatives, but here and there, where it was thought needful, it is proposed to restore the estimate. This is one of that class. It is not the case with every one of the items.

Mr. PUGH. Well, Mr. President, the letter of the Secretary says that he proposes to use \$100,000 of this appropriation before the 30th of June. That is a deficiency, if anything in the world is; it is adding to the amount which we appropriated for this fiscal year. It is a clear case, an undeniable case.

Mr. DAVIS. The Senator surely knows what a deficiency is.
Mr. PUGH. The Secretary will make it a deficiency if he
uses it.

Mr. DAVIS. He has not used it. He asks you to give him

the money to buy with, instead of buying on credit.

Mr. PUGH. I was going to say that I saw, in one of the New York papers, a statement which I very much fear came from one of these Departments—probably from the War Department—and what the Senator from Mississippi says gives credibility to it—that the House accomplished nothing by these reductions. If the officers of the quartermaster's department buy on credit, that is to say, commit the Government to the expenditure of more money than Congress deemed adequate, I hope one of them will be made an example of. He should be cashiered by a courtmartial; and, if the head of the Department allows it, he ought to be impeached.

Mr. DAVIS. The Senator talks idly. There is no such prop-

osition.

Mr. PUGH. The Senator spoke of buying on credit.

Mr. DAVIS. Buying what on credit—everything and anything?

Mr. PUGH. Anything, I suppose. I do not say what he

buys?

Mr. DAVIS. You may say so; but the Secretary does not, and neither do I.

Mr. PUGH. I say if we have no control over the public purse, if, when the two Houses of Congress fix the amount of appropriation, the Quartermaster General, or any other officer of the Army undertakes to make a contract for a larger sum that the amount of the appropriation, he ought to be turned out of his office. If he may commit us in advance to the payment of money, we have no control over the Treasury.

Mr. DAVIS. I shall not attempt to argue with the Senator. I do not believe he hears anything I say to him. One thing is very clear, however—the law now restricts the Department in relation to the articles which may be purchased on credit, and it would be most unwise to deprive them of the authority to buy clothing, food, and transportation for an army operating

in the face of an enemy.

Mr. PUGH. This is not clothing nor transportation. It is ordnance and ordnance supplies.

Mr. DAVIS. It is not; it is equipments.

Mr. PUGH. Equipments! I saw the estimate which was laid on our desks the other day, and the Senator from Vermont called my attention to it—an estimate of \$250,000, to furnish the regiments of cavalry with a new carbine and new pistol.

Mr. DAVIS. It is not that at all.

Mr. PUGH. I think that estimate was over two hundred and thirty thousand dollars.

Mr. DAVIS. This is not the thing to which the Senator refers.

Mr. PUGH. These are the same things, if I understand it.

Mr. DAVIS. You do not understand it.

Mr. PUGH. At all events, I will take what that Senator himself said. He says, if you do not allow the ordnance office to purchase on credit, the——

Mr. DAVIS. Not even that.

Mr. PUGH. Then I am at a loss to comprehend the explanations of my honorable friend, the chairman of the Military Committee, and I beg his pardon. One thing is very certain: here is an attempt to increase the expenditures of the Army, when the House, and the House committee, upon a careful examination, have cut them down. I cannot make head nor tail of the explanations of my friend. As fast as I take up one sentence, he says it is not that. I know that the House wants to cut down this branch of the service, and it ought to be cut down, and I hope we shall stand by their action.

Mr. DAVIS. I hope I made such explanations as were intelligible to the great body of the Senate, I found it impossible to get the Senator to understand me, and I did not think it use-

ful to argue with him.

Mr. PUGH. What is it?

Mr. DAVIS. I have no power to convince him any way.

Mr. PUGH called for the yeas and nays; but they were not ordered.

The amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation for the manufacture of arms at the national armories from \$250,000 to \$360,000. The estimate for the two armories was \$400,000. I learn from the superintendent of the Springfield armory that with \$360,000 they can keep the machinery at work and the workmen employed, for the year, at the two armories. It is quite possible to discharge the workmen, to stop the manufacture of small arms at these armories, or to reduce it to any limit, if the Senate please to do so. We are now manufacturing, however, a new model of arms, the rifle and the musket, and it is necessary to get a large supply. Having the machinery and all the heavy expense for the manufacture on hand, it is a question whether we shall allow the machinery to be employed at only part of its capacity, and discharge the skillful workmen, or whether we shall make an appro-

priation at this time to keep those workmen employed. If they are discharged it may be difficult to obtain them again. There is apprehension on that subject. The question is, whether we shall give enough to keep the armories at work for the year, or whether we shall cut it down as proposed, with the knowledge that they must work with a smaller number of hands and discharge some of the trained workmen now in the armories.

Mr. HUNTER. It seems to me that this estimate ought to have been reduced. We know that the manufacture of arms in years past has been so great that they have accumulated in large quantities, and we have now a great many small arms which are of no sort of use to the service. We cannot dispose

of them, and I believe we cannot use them.

Mr. DAVIS. What sort of arms?

Mr. HUNTER. The old muskets. I should like to be informed otherwise. I heard that we had a large number of them which were useless. What became of the old muskets?

Mr. DAVIS. We had some muskets made before machinery was introduced in the manufacture of muskets. Many of them were condemned and sold some ten or twelve years ago, according to my recollection: but the large number of muskets which we have on hand under that old model, are weapons which may be as good as the new model. That remains yet to be decided. It is a subject on which men differ. It is easy to find those who will tell you that the old musket is of no value. I can find those whose opinion is worth quite as much, who will tell you that it is better than the new model. That is vet to be decided. We have in store a small number compared to what we should require in the event of a war, and I should be sorry to see this Government placed in the condition of every European Government, except France and Russia, when the late European war broke out-compelled to send all over the world to buy the arms with which they sent troops to battle, and relying upon foreign Governments for the munitions with which to supply their armies in the field.

Mr. HUNTER. It is certain that we did, some years ago, sell off a large quantity, because the progress of new inventions superseded the old arms by a very valuable weapon. It is uncertain whether many of those manufactured since can be used for any valuable purpose. As the Senator from Mississippi says, there is a difference of opinion on that point.

Mr. DAVIS. As to their comparative value, not as to their

use.

Mr. HUNTER. I understood the chairman of the Committee

on Military Affairs that the difference was, as to whether they would answer any valuable purpose. I talked with him on this subject. I acknowledge that there is no man whose opinion I would take on such a point sooner than that of the Senator from Mississippi. I supposed it was uncertain. He certainly said there was a difference of opinion. Be that as it may, there is, besides this, a permanent appropriation of \$200,000 for arming the militia; not an annual, but a permanent appropriation. If this is not enough, I suppose that could be diverted to such a purpose. The sum appropriated here, and the permanent appropriation of \$200,000, may be expended in the purchase of small arms, as I understand. Whether I am right or not, the Senator from Mississippi will inform me. If I am right, and if it should turn out that this appropriation is not enough to manufacture these arms with sufficient ability, why not apply a portion of the permanent appropriation to these armories?

The amendment was rejected.

Mr. DAVIS. My next amendment is, to increase the appropriation for the Benicia arsenal from \$50,000 to \$100,000. This is the point at which, I think, a great storehouse of arms and ammunition, for the defense of the Pacific coast, should be located. We now have arms and ammunition at Benicia in such a quantity as to be confusedly piled in the two small storehouses which have been there constructed. The estimate for the construction of the large storehouse, intended to receive the arms and munitions to be put in depot at Benicia for use on the Pacific coast, is \$100,000. I understand it was reduced to the lowest sum which was thought to be in accordance with entire efficiency. With that information, I propose to restore it.

Mr. GWIN. I will state, in addition to what the Senator from Mississippi has said, that the chief of the ordnance bureau, Colonel Craig, has told me that, if he obtains an appropriation according to his estimate, he will make a saving of waste material almost equal to the reduction made here; and there can be no better economy, at this time, than to complete these large storehouses. If they are not completed, the stores which are on hand must be deteriorated and injured. I hope the estimate in this case will be restored; and I ask for the year and nays.

The yeas and nays were ordered.

Mr. GWIN. I will state, further, that this building can be completed very summarily, and then we shall get clear of paying large rents for inferior buildings where these materials are now kept. It will be a great saving to the Government. It is

only an increase of \$50,000; which, Colonel Craig informs me, will enable him to make such progress with the work as to save a great amount, by preventing the destruction of materials.

The question being taken by yeas and nays, resulted—yeas

26, navs 16; as follows:

YEAS—Messrs. Allen, Bates, Broderick, Chesnut, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Iverson, Johnson of Arkansas, Jones, Kennedy, Mallory, Pearce, Reid, Rice, Sebastian, Seward, Simmons, Smith, Ward, Wright, and Yulee—26.

NAYS-Messrs. Benjamin, Chandler, Clark, Crittenden, Durkee, Fessenden, Foot, Hale, Harlan, Hunter, Polk, Pugh, Stuart, Toombs, Trumbull, and Wade—16.

So the amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation for the Texas arsenal from \$15,000 to \$21,000. There has been, for a number of years, a desire, and, I think, a necessity for the construction of an arsenal, at some portion of the southwestern territory. San Antonio, in Texas, was selected because of the dryness of the climate and the ease with which small arms could be distributed from that point to the places where they would probably be required, either on the border of the Rio Grande or on the Indian frontier. Until recently, it was not possible to perfect the title to the site. That having been perfected, an estimate of \$21,000 was made for the construction of the arsenal, which has been reduced, in the House of Representatives, to \$15,000. I think the estimate a very small sum, considering the great object in view, and I hope some day to see \$200,000 appropriated to construct an arsenal there large enough to make it the great depot for all the wants of arms and munitions in that section of the country.

Mr. HUNTER. The House reduced the appropriation to \$15,000. I believe this is a new building we are just starting. and I do not see why we should not appropriate enough at

once to finish it.

Mr. DAVIS. Oh, that will not finish it.

Mr. HUNTER. I think it is better to adhere to the action of the House, and appropriate no more than \$15,000.

The amendment was agreed to-ayes twenty-five, noes not counted.

Mr. DAVIS. The next amendment is to insert, after the appropriation for the Watervliet arsenal;

"A part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal, on the south side, east of the Erie canal."

This is a piece of ground required for the buildings, and can now be obtained upon better terms, it is thought, than at a subsequent period. It is represented on the map which I have before me. It is a piece of ground contiguous to the arsenal. and separated from everything else. It is not proposed to increase the appropriation, but to give authority to purchase this lot.

Mr. HALE. I will ask the chairman of the Committee on Military Affairs if he cannot make the amendment a little more specific. It seems to me to be a loose way of appropriating. without saying how much. The Secretary may take the whole amount for this purpose.

Mr. DAVIS. It is described on the map, which I will send

to the Senator.

Mr. HALE. My objection is to the manner of making the appropriation. Here is an appropriation of \$25,000, a part of which may be used to buy land with; \$24,000 may be taken to buy this land with, for twenty-four is a part of twenty-five.

Mr. DAVIS. It is a described lot of land, offered for sale to the Government, and it is required for the use of the arsenal.

Mr. STUART. The Senator from New Hampshire wants to limit the amount to be used for the purchase.

Mr. DAVIS. I do not recollect how much the owners offered to sell the land for. It will require but a small part of the appropriation.

Mr. HALE. I think this is a wrong way of appropriating

money.

The amendment was agreed to.

Mr. DAVIS. The next amendment is to insert, after line one hundred and sixty-six:

For repairs and improvements and new machinery at Springfield armory, Massachusetts, \$53,910.

This amendment restores an item which was entirely stricken out by the House of Representatives, being the estimate for repairs and improvements at the Springfield armory. have been constructing some new works, introducing some new machinery, and the foundations are laid for new machinery introduced to make the new model arm. This appropriation is necessary for repairs and improvements in order to keep the full machinery at work at the armory. It was stricken out by the House of Representatives, for what reason I do not know. We propose, therefore, to restore it.

Mr. STUART. If I recollect aright, we continued the House appropriation in regard to this armory. We did not increase

it, I think, on the motion of the committee.

Mr. DAVIS. This item was stricken out entirely by the House.

Mr. STUART. I meant the other item with regard to the general appropriation. The committee of the Senate proposed to increase it to the extent of fifty or one hundred thousand dollars, but the Senate refused it. Now, this is to restore an appropriation which is to introduce machinery for the manufacture of another species of arms, as I understand the Senator. While I am willing to go for a thing which is required, I am disposed to defer the appropriations, as far as they can be done now, without prejudicing the public interest. It strikes me that, inasmuch as we adhered to the House provision in regard to the general appropriation for the armory, we had better adhere to the action of the House upon this subject too.

Mr. DAVIS. The Military Committee are of a different opinion. I will say to the Senator from Michigan, who usually listens very attentively and is always so open to conviction, that I will attempt it even on the Army appropriation bill. The item on which the Senate voted before was as to the amount to be expended in the construction during the year. This is an item for repairs and improvements, the introduction of new machinery being a portion of those improvements. They have gone on so far that it seems to me it would be very unwise indeed to stop at the present point. The foundations have all been prepared in some instances, the machinery has been partly made, and an additional sum is necessary to put it up. Under such circumstances, it would be most unwise to discontinue the appropriation.

Mr. STUART. The Senator is more familiar with this matter than I am, and I will simply ask his opinion on this single point; whether, as a matter of economy, it is better to make this appropriation now, or postpone it until the next session. That will

govern my vote.

Mr. DAVIS. It is represented to me, by the superintendent at the Springfield armory, that it is a matter of economy to complete the improvements which have been commenced, and for which this small appropriation is asked. The amendment was agreed to—ayes twenty-nine; noes not counted.

Mr. DAVIS. The next amendment is like the one just acted upon. It is to insert, after the amendment just adopted:

"For repairs and improvements and new machinery at Harper's Ferry armory, \$55,000."

Mr. MASON. This is to make the same provision for the Harper's Ferry armory which has just been made for the Springfield armory.

Mr. DAVIS. Exactly; it is precisely the same.

The amendment was agreed to; there being on a division—ayes 23, noes 16.

Mr. DAVIS. The next amendment is to insert, as an additional section to the bill:

And be it further enacted, That for printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped on engraved plates, now ready for the press, if required, for distribution to the militia of the United States, with books of tactical instruction, \$10,000.

The amendment was agreed to.

Mr. DAVIS. The next amendment which I offer is to insert, after the first section:

For the construction of a military road from Fort Benton to Walla-Walla, \$100,000.

Mr. HUNTER. I should like to hear some explanation of that amendment.

Mr. DAVIS. It is unnecessary for me to go over the geography of the country. I will merely state, that the head of navigation of the waters of the Missouri approaches the head of navigation of the Columbia within something less than five hundred miles. Many of the Indian difficulties, which have marked the history of the Army during the last year, have occurred among the tribes living in the section of the country between the head of navigation of these two rivers. Some years ago, an appropriation was made of \$30,000, for the construction of a military road from one point to the other. I was, at the time, in the War Office, and organized, by a movement of troops, a plan which I thought would effect the construction of the road with that appropriation. However, for causes which

I need not now state, it failed, on account of countermanding the order which would have executed the plan, after I left the Department. The appropriation has, therefore, remained unex-The necessity for it, however, has increased. It is needful in time of peace-it would be more needful in time of war-to have some overland communication between the head of navigation of the Missouri and the head of navigation of the Columbia rivers. The Secretary of War's estimate for the construction of a military road, as he thinks desirable, is \$200,-000, and he supposes \$100,000 can be expended within the year. If it were combined with the movements of troops, I should hope it might complete the road. This amendment is presented by the committee, in accordance with the letter of the Secretary, for the \$100,000. If it should make such a military road as is required from one river to the other, it will facilitate the action of the Government upon the Indians of that frontier, and in its communication with the State of Oregon and the Territory of Washington, and will be a provision for any such necessity as may arise in the event of a war with some foreign Power; for it is known to the Senate—but I suppose I need not go into that—that it would be altogether impossible to communicate, in time of war, with San Francisco and the Columbia river by any of the means we now have.

Mr. SHIELDS. I am very glad that the honorable Senator from Mississippi has introduced this proposition. So far as I can judge, there is no route in this country that will be more important than the route for which this appropriation is intended. I apprehend, however, that the amount proposed is not sufficient to accomplish it. If the object is to connect the navigable waters of this side of the Rocky Mountains with the navigable waters on the other side, I do not think the amount is sufficient. I believe the honorable Senator says that the Secre-

tary of War has recommended a larger sum.

Mr. DAVIS. Two hundred thousand dollars he supposes to be necessary to complete the road, but \$100,000 is all he wants for the present year.

Mr. SHIELDS. Very well. I am satisfied.

The amendment was agreed to.

Mr. DAVIS. The next amendment of the committee is to add, as a new section:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of six companies mounted volunteers, called into service by General Persifer F. Smith, on the 1st of November, 1854, for three months: *Provided*, That there shall be no greater payment or allowances given to those companies than was given to similar troops in the service of the United States.

Mr. WARD. Mr. President, before taking the vote on that amendment, I desire to make a few remarks, in which I hope I shall be able to show, that not only the amount reported in that amendment is just and proper, but that a still greater amount is owing, and due the State of Texas.

The whole account, as rendered by the State, amounts to \$184,554.57, which amount has been advanced for the protection of her citizens against the hostile Indians of the United States, for which she claims reimbursement by the Federal Government.

The history of the case is briefly this: in the fall of 1854, the Indians being troublesome on the frontier, and the regular troops stationed there being insufficient for its protection, the commanding officer, General Persifer F. Smith, ordered through the governor of the state, that six companies of volunteers be called out for twelve months' service, and were ordered to rendezvous at Austin.

The first item charged in the account is for the services of those six companies and for their maintenance from the time they were called out until they were mustered into regular service, which has not been paid by the Government; and the balance is for services and maintenance of volunteer companies subsequently called out by the governor under like emergencies.

The Senate Committee on Military Affairs have thought proper to recommend only a portion of said account for immediate payment.

Mr. DAVIS. I have another amendment from the Committee on Military Affairs. It is to add as additional sections:

And be it further enacted, That the second section of the act of the 3d March, 1851, entitled "An act to found a Military Asylum for the relief and support of invalid and disabled soldiers of the Army of the United States," be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the commissary general of subsistence, the surgeon general, and the adjutant general, any two of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the Treasurer

quarter-yearly, and to visit and inspect the Military Asylum at

least once in every month.

And be it further enacted, That the benefits of the said act be, and they are hereby, extended so as to include invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars; and that so much of the act of the 3d of March, 1851, as is inconsistent herewith be, and the same is hereby, repealed.

And be it further enacted, That all pensioners on account of wounds or disability incurred in the military service shall transfer and surrender their pensions to the institution for and during the time they may remain therein and voluntarily continue

to receive its benefits.

And be it further enacted, That the deduction of twenty-five cents per month from the pay of the non-commissioned officers, musicians, artificers, and privates, in the Army, shall be reduced, from and after the 30th of June next, to twelve and a half cents a month; and that the title of the act be, and the same is hereby, changed from the "Military Asylum" to that of the "Soldiers' Home:" And provided further, that all persons who are now in, or who may hereafter be admitted into, the institution, are hereby made subject to the rules and articles of war, and shall be governed thereby in the same manner as soldiers in the Army.

This changes somewhat the law regulating the Military Asylum. It asks no appropriation, but it affects the pay of the soldiers of the Army, by reducing the stoppage, made for the support of the asylum, one half. It has been found that the contribution money from the soldiers, together with the fines and forfeitures, creates a fund which exceeds the wants of the asylum, and therefore it has been thought advisable to reduce the stoppage from the soldiers. Another provision is to reduce the number of officers now constituting the board. present large and unwieldly; a good many of the members are absent from the capital, and they can only be brought to attend here by withdrawing them from other duties and at the expense of transportation. It was thought that the board would be equally efficient and much more manageable when reduced to the number of three, as proposed. Near the close of the section, there is a provision which subjects the inmates of the asylum to the rules and articles of war. That is believed to be necessary from the complaints which have been made by persons residing around the asylum, of the bad conduct of the inmates. From inquiry, I think nine tenths of the men in the asylum are good men, and behave themselves properly; the other one tenth are giving the institution a bad reputation. By subjecting them to the rules and articles of war, the ill-behaved tenth will probably be reduced to such conduct as will relieve the institution from any odium, and give the other nine tenths a

peace they do not now enjoy.

Mr. GREEN. I had intended to move an amendment to this bill to give a temporary organization to the territories of Arizona and Dacotah; but from the temper of the Senate I believe it would be unavailable, and it is not my wish at any time, to persist in consuming the time of the Senate when no practical good can come out of it; but I shall take this occasion to say, that on Monday morning I shall beg the Senate to give that bill a hearing without delay, and I shall then ask a vote on it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi, from the Com-

mittee on Military Affairs.

Mr. HALE. The subject of the Military Asylum is one to which I have had to pay some attention, and I think well of some of the amendments which are introduced by the Senator from Mississippi. I refer specially to the section reducing the number of the governors. I think that they are too large and unwieldy, and the reduction proposed ought to be made. approve that provision which reduces the amount that the soldiers have to pay monthly. I think the fund is so large that they can do without anything at all from the soldiers. But I confess, while I have much confidence in the disposition of the honorable Senator from Mississippi to do anything he can for these old soldiers, I very much doubt the propriety of subjecting them to the rules of military discipline. Some of them are old men; they are sick men; some of them have but one leg; and I saw one man who had no hands at all; they were entirely frozen off. They are old men who like a little more freedom from restraint than they would have if they were subject to the strict discipline of the camp.

Mr. DAVIS. That is not proposed.

Mr. HALE. I do not know exactly how much military discipline is proposed, whether it requires these old men to be up at the beat of the morning drum, or anything of that sort.

Mr. DAVIS. There is nothing of that kind proposed. The proposition to subject them to the rules and articles of war has nothing to do with camp discipline. It merely prevents them committing riots at the asylum; and then, if they are put in a strait jacket until they are sober, drunkenness being the only cause which makes a soldier become unruly, instituting a civil suit.

Mr. HALE. There is another amendment which I hope the honorable Senator may provide; and that is, to give some sort of appeal to a soldier who is dismissed from the asylum; because the officers who are in control of the asylum are but men. I believe they are very fair men and very kind-hearted men; but cases sometimes occur where a soldier, no doubt, violates the rules, and he is dismissed in a moment of passion or resentment, which men occasionally feel. He is subject to be turned out and sent into the poor-house, or go where he may, without redress. I think that the power of arbitrary dismissal, which is now exercised by the superintendent, should not exist. not want to say a word against the officers of the asylum. are kind-hearted, excellent men, so far as I know; but while they are men. I do not think they should have this arbitrary power. I do not think the arbitrary power of dismission should rest with anybody; but every case of dismissal from the institution should be reported to the Secretary of War, or somebody else, and be subject to his revision, before the soldier should be deprived of the benefits of the institution.

Mr. DAVIS. I have no possible objection to any provision of that kind; but I will say to the Senator from New Hampshire that this is mainly a means of preventing the exact thing of which he complains. The officers are now without any mode of discipline; they are without any power to coerce good conduct; and, consequently, they have no remedy but to dismiss in all cases of misbehavior. If they had other remedies, they would employ them instead of dismissal. Dismissal, then, would become an exceptional case; it would be rare. I wish to make it so. Only when a man is perversely bad should he be dismissed. By putting them under the rules and articles of war, you will have power to coerce them to behave themselves, and still keep them in the asylum.

Mr. HALE. This subject was brought to my attention without my will, having been appointed a member of a select committee which was raised to examine into the asylum. We went there several times; and, in good faith, we suggested several alterations which we thought ought to be made, and the officers showed every disposition to make them, and they have made them, so far as we suggested them; and that is the reason the committee have not reported. I will agree to the amendment suggested by the Senator from Mississippi; but I simply wish to give notice that, if I live to another session, I intend to visit the institution again, and submit to the Senate some views that

suggest themselves to me, if a remedy is not applied by the provisions already reported to the Senate.

Mr. DAVIS. I will coöperate with the Senator at any time to benefit the old soldier as long as he behaves himself.

The amendment was agreed to.

Mr. DAVIS. I have another amendment from the Committee on Military Affairs:

And be it further enacted, That the proper accounting officers of the Treasury be, and they are hereby, authorized to settle the accounts of officers of the Army for issues of forage and other supplies of the quartermaster's department, to the three companies of Kansas volunteers, called out by General Persifer F. Smith, in Kansas, in 1856, under the authority of the War Department, by passing to their credit the amounts now charged against them, on the books of the Treasury on that account.

Mr. HUNTER. This is a very good claim, but I do not want to depart from the rule. I ask the Chair if this amendment does not come within the rule?

Mr. DAVIS. It is not a claim for money at all. It is to settle accounts. There is no money to be paid by it. It is merely to relieve officers who have paid the money, and to whom it now stands charged on their personal account. I send to the Secretary's desk the letter from the Secretary of War, which I think will explain it.

The letter was read, as follows:

WAR DEPARTMENT, February 26, 1859.

SIR: In the year 1856, the late General Persifer Smith, acting under authority from this Department, called on the Governor of Kansas for three companies of volunteers, which were required to enable him to execute the orders of the Government. The volunteers were in service from three weeks to two months, during which time, as they must otherwise have been discharged, they were furnished with forage and other supplies, by the quartermaster's department; but there being no appropriation from which the cost of the issues could be defrayed, the officers by whose orders they were made, among them General Smith, stand charged with their value on the books of the Treasury.

As the issues were necessary and proper, and for an object authorized by instructions from this Department, I beg leave to recommend that provision may be made in the Army appropriation bill now pending before the Senate, so as to authorize the Secretary of War to settle these accounts by passing the amounts to the credit of the officers against whom they have been charged.

Respectfully, your obedient servant,

JOHN B. FLOYD,

To the Hon. Jefferson Davis, Secretary of War. Chairman Committee on Military Affairs, Senate.

Mr. HUNTER. I understand the money has been paid.

Mr. DAVIS. And this is to settle the account. The whole matter is this: militia was called into the service of the United States; and the quartermasters, under the orders of General Smith, issued to them the forage and other quartermaster's supplies; but the accounts could not be settled because these companies were not regularly mustered into the service, and the accounts stand suspended against some of the officers, and General Smith, now deceased, amongst them; and this provision is necessary, in order to authorize the accounting officers to carry to their credit the vouchers which have been sent.

Mr. HUNTER. I do not object. The amendment was agreed to.

Mr. HUNTER. I offer this as an additional section, not from the Committee on Finance, but on my own responsibility:

And be it further enacted, That no more of the outstanding appropriations for military purposes shall be expended during the fiscal year herein provided for, than the amount which may be necessary to satisfy the liabilities which have been created in the preceding fiscal year.

The object of this amendment is simply to confine the War Department to what is appropriated in the annual appropriations, together with what they may expend out of the permanent and indefinite appropriations, and forbidding them to use the outstanding appropriations, except to pay liabilities that have been incurred in the preceding fiscal year.

Mr. FESSENDEN. I am opposed to this amendment, if I understand it, and I think the chairman of the Committee on Military Affairs will be opposed to it. The effect of the amendment, as I understand, is to suspend all work upon fortifications, where there has been a sum of money appropriated, for instance, \$50,000 to be expended in continuing a fortification which has not yet been expended. The effect of this is to discharge the workmen and stop the work.

Mr. DAVIS. You mean if it is not expended in the fiscal year,

Mr. HUNTER. I mean that the outstanding appropriations are not to be expended for the current service of the next fiscal year, except to pay liabilities which have been incurred in the previous fiscal year.

Mr. DAVIS. Where there is a special appropriation for a work, do you mean that it shall be expended within the year?

Mr. HUNTER. I mean where there was a special appropriation which was not expended in this fiscal year, it shall not be expended in the next fiscal year, but that the outstanding appropriation may be used to pay any debts or liabilities which were incurred in the preceding years.

Mr. FESSENDEN. I will state precisely how it will work. An appropriation of \$40,000 was made last year, to be expended upon a fortification in Portland harbor. No appropriation for that object is asked for the next year, because the Department say there will be as much on hand as they want to expend. That money being on hand, the effect of this amendment is to say that the workmen shall be discharged, and the amount which has already been appropriated shall not be expended in the next fiscal year, if it is not all expended during the present fiscal year. For the fortification in Portland harbor there was an appropriation two years ago of \$50,000, and last year of \$40,000. The expenditure of the \$50,000 was not begun until late in the season, and, consequently, the whole \$40,000 was not needed for this year, and remains to be expended in the next year; but this amendment prevents its expenditure.

Mr. HUNTER. I ask the Senator from Maine if he is not

stating a possible and hypothetical case?

Mr. FESSENDEN. I am stating a case that I know to exist; and it shows precisely what will be the operation of the amendment. I say in the case of the fortification in Portland harbor, the Department, not having commenced the expenditure of the \$50,000 until late in the year before, did not spend it all, and had a portion of it on hand, so as not to use up all the \$40,000 last year; and the Department have omitted to ask for an additional appropriation, because that portion of the \$40,000 which remains on hand is enough for this year. Now, the effect of this amendment is to say that so much of the \$40,000 as remains on hand shall not be expended; that the work shall cease, the men be dismissed, and everything hung up. That is exactly the amount of it, and the same effect which applies there on a small scale, will apply to the fortifications at San Francisco, New York, and elsewhere, however many or few they may be. It

operates to suspend the work on every fortification. That is the

amount of it; that is the design of it.

Mr. HUNTER. I believe if it would have that effect, it would do no harm in the present condition of the Treasury. I have always been in favor of fortifications, and when there is a surplus Treasury, as occurs under any revenue system, I am willing to appropriate largely for that purpose; but in times like these I think they had better be suspended. If, however, I cannot get the amendment in any other way, I am willing to add a proviso that this amendment shall not be construed to apply to appropriations for fortifications.

Mr. SEWARD. Very well.

Mr. HUNTER. If that will be satisfactory I will insert that proviso.

Mr. GWIN. I hope that will be inserted.

Mr. HUNTER. Then I modify my amendment by adding this proviso:

Provided, That this section shall not be held to extend to appropriations for fortifications.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DAVIS. I am glad that the modification has been made. I believe fortifications are about the only character of public works in which I feel any interest. It is fair, however, to say that all public works, either in very high or very low latitudes. are subject to suspension, and it is a great advantage that the appropriation should not lapse at the end of the year, so as to hasten expenditure in disregard of economy. The severe winters of the North varying in their duration, like the hot and unhealthy summers of the South varying in their duration, will frequently render it good economy to allow the amount intended to be expended in one year to run into the next year. It is so with custom-houses and court-houses and all public works which are undertaken by the Government at the North, and at the South. I have no objection to that. I wish the custom-houses were at an end, and that the court-houses had never been commenced. The fortifications are the only public works in which I feel interested, and the modification having been made, I have no objection to the amendment.

Mr. DAVIS. It is quite surprising to me to hear the statement that this increase of the Army was by a hasty amendment

offered to an appropriation bill. It was recommended by the Department; a bill was prepared by the appropriate committee; it was deliberately considered; and Congress acted in that mode of legislation only from necessity. It was not merely considered when presented, as an amendment to an appropriation bill. Moreover, I will say what I believe the united testimony of the Army will sustain, that the Senator selects the four best regiments of the Army; that they were filled up by picked officers from the service, and, generally, by very good appointments from civil life. They brought together men with all the information and experience which belonged to the Army, and with the general knowledge which they drew from civil life. I have heard no one who was at all acquainted with the subject, say that the field officers of these regiments were not in efficiency in past service, and in ability for future service, far superior to any four regiments in the Army. Thus wantonly the Senator wades into the Army to snatch from it what, without disparaging others. I may say is its very flower. If the Army is larger by four regiments than is needful, then it would seem that one who proposed reform should at least proceed, by some inquiry, to require some one to investigate how the Army could be reduced, where it should be reduced, how four regiments in amount could be taken out of the whole body of the Army without impairing the public service.

I do not believe it is proper to reduce it at all. My own impression is, that the error we have committed has been in attempting to keep down the number of regiments, and to fill up the companies to the war establishment, instead of increasing the number of regiments with the wants of the country, and preserving that skeleton organization which marks the wisdom of our forefathers, and should have been the pattern which we ought to have followed. If, however, the Senate believe that there are four more regiments in the Army than are needful or proper, then, I say, let a provision be introduced into this bill, or some other, requiring the Executive to report to Congress a plan for the reduction of the Army by the equivalent of four regiments. Disrate it; disband it; concentrate; do anything but select four regiments to strike them from the roll of the Army without reference to the men who compose them. know, sir, that attempts have been made to represent these four regiments as having been officered with favoritism; and some day or other, when it is not so improper to consume the time of the Senate. I intend to expose all the slanders that have been uttered in that regard on this floor. I will not consume the time

of the Senate now; but had this bill come up when there was time, I had reserved the material to answer the miserable assaults that were made when I was known to be confined to a bed of sickness, and to be unable to speak for myself at the last session.

Mr. HALE. I will say, so far as relates to the character of these regiments, or the conduct of the Senator from Mississippi when Secretary of War in the appointment of officers, I never heard one syllable, and had not the remotest reference to him on earth; so he will acquit me of that.

Mr. DAVIS. I did not mean you. I do not know that you

ever did it.

Mr. HALE. I have heard it said a good many times by gentlemen, that the expenditures of the Army are enormous. I think they have got up to fifteen or sixteen millions. The complaint is certainly made by the Senator from Mississippi, because gentlemen do not put their hand on any particular thing, do not point out any abuses, that this is all general declamation. Well, sir, I do not pretend to any great knowledge of this subject; but I took the statutes and looked them over to see where I could find any definite and particular place to strike practically, and this bill increasing the Army by four regiments occurred to me. I do not know a single man in them. I do not know where they came from. I do not know but what they are the finest officers on earth, and did not mean to intimate they were not; but I took that as one of the salient points by which the object of reducing the expenses of the Army might be attained. That is the beginning and the end of it. If I were to wait, or anybody who wants to reduce the Army should wait, until the officers of the Army said, "here is a piece which may be cut off with safety and prudence," we would wait a great while—a very great while. I know the opinions of the Senator from Mississippi. They were fully disclosed in the debate which took place in the last session, which resulted in the authority to the President to call out some volunteers, and, if I am rightly informed, the President never exercised that authority at all, there was not one regiment called out.

Mr. DAVIS. You are right.

Mr. HALE. There was not one of them called out; and the necessity which was felt at that time for an increased force, was a necessity for an increase of the regular Army, and the pretense for it was, that the defenses of the country required it. Congress said to the President, "if that is so, if you want to defend the country, we will give as many volunteers as you

want;" but the President did not have one, and would not take them. It was an increase of the Army that was wanted.

Now, sir, I am opposed to an increase of the Army, and I am in favor of a decrease. I think, in the present state of our finances, that the expenses of the Army are inordinate, and greatly beyond what we ought to pay. If these four regiments are to be kept up, let us drop four others. I do not want nineteen regiments. I am willing to draw by lot which shall be the four to go out. I will go for any plan by which we shall get rid of four regiments. It is without any personal imputation or reflection upon any officer of the regiment, or upon any member of the last Administration, or upon anybody on God's earth, that I make this suggestion; but it is with a simple desire to reach, practically and efficiently, what I desire, and that is a reduction in the Army.

Mr. DAVIS. I cannot propose to strike out any particular four regiments. I do not believe you can find a regiment which can properly be stricken out; first, because I do not believe there are too many; and secondly, if there were too many, I do not believe that is the mode of reduction; that you should take out the inferior officers, discharge the inferior men, and thus reduce the whole force to the equivalent of the number of regiments you intend to keep. We should not strike at organized bodies; but reduce, if you think reduction necessary, by taking away as many officers and as many men as will bring the Army down to the standard you are willing to maintain. If your standard be four regiments less than you now have, then reduce from the whole body, describing the arms in which you will make the reduction, the equivalent of four regiments. This is the manner in which we have always reduced the Army whenever any reduction has been made. When we passed from the war to the peace establishment, and they were all upon one footing, only divided into different corps or arms of service, they were reduced in that manner. At the close of the war with Mexico, Congress having very carefully guarded against the probability of continuing too many troops in the service, regiments were dropped, because regiments had been called into service under laws that provided for their continuance only during the war. That was the case with all except the mounted rifle regiment, which had been organized for a special service and for a limited time, but which became permanent on the peace establishment.

If gentlemen believe it is wise to have large companies and a small number of regiments, they have nothing to do but to say

that the Army must be reduced by the equivalent of four regiments, or, if they please, instead of five mounted regiments, they can say we will have but four; and that, instead of ten regiments of infantry, we will have but eight; and instead of four regiments of artillery, we will have but three; and then leave the President, by any mode you choose to point out, to determine what officers and what companies shall be dropped. The officers thus dropped from the service go out of it to the reduction of the Army. The number of men to be discharged, I suppose, would be very small, and would only fill up the balance of the companies kept, if you raised those to the war establishment: whereas, the plan proposed by the Senator would strike off four regiments, turn out the officers indiscriminately, the good and the bad, discharge the men, and keep up your recruiting depots to raise the same number, that you might put them into regiments that you retain. It is not a practical mode of reaching the object, if, indeed, it is one which it is proper to apply. I am not now arguing so much the question of whether it is proper to do it or not, as the propriety of the mode you suggested. I would not myself vote for that reduction. I do not believe the condition of the country warrants it.

In answer to the Senator as to not calling out these volunteer regiments, I have only to say that I believe, in the Utah expedition, they employed, of citizens, about an equivalent of the regiment it was proposed to give them to go there; and that the Executive, in my opinion, acted very wisely in not calling out a regiment of undisciplined men to send upon such an expedition as that, where it was believed there was great probability of collision between the territorial authorities and those of the United States, and that it required the best disciplined troops to effect the object had in view without blood being shed. think I said then-if I did not, I thought it, and will say it now—if they wanted to kill the Mormons, it was better to keep the regulars at home, and send the militia out. If they wanted to reduce them to subjection without shedding blood, to quell the rebellion without using force, then the best disciplined troops they could send were the only ones which the Government ought to employ. The other regiment, the Senator will recollect, was given for the immediate protection of the frontier of Texas. It was not called out, as I understand, for the reason that they found the operations in Utah would not require the second cavalry to be withdrawn from Texas; and that, if the second cavalry was left in Texas, they did not require the mounted regiment to be called out.

In conclusion, I have only to say to the Senator that, by the time we pay for the volunteers who have been called out; by the time we foot the bills which have run up, and are running up monthly on account of the want of sufficient regular force upon the different points of the frontier, he will find that his consideration of economy has not been answered by not giving larger regular force, and relieving the Government from the necessity of calling out volunteers to the service. Here is my friend, General Lane, with whom it was my good fortune to serve during the war with Mexico, and who has since been employed in the protection of the frontier of his own State, and who, I suppose, has just ground to complain of the long delay of the payment of the volunteer militia of his own State-a claim here now, which I believe amounts to \$6,000,000, and a part, if not the whole of which has been due for about two years, as well as I recollect.

Mr. LANE. Three or four years.

Mr. DAVIS. Three or four years, the Senator answers me; and which sum is to be expended by the Government because of the jealous fear entertained of having as many regular troops upon the frontier as will prevent the commencement of the Indian outbreaks.

The question being taken by yeas and nays, resulted—yeas 12, nays 29; as follows:

YEAS—Messrs. Broderick, Clark, Clay, Doolittle, Durkee, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, Pugh, and Toombs—12.

NAYS—Messrs. Bayard, Bell, Benjamin, Bigler, Brown, Chesnut, Crittenden, Davis, Fitch, Fitzpatrick, Foster, Gwin, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Polk, Reid, Rice, Shields, Slidell, Smith, Stuart, Ward, Wilson, Wright, and Yulee—29.

So the amendment was rejected.

Mr. DOOLITTLE. I am instructed by the Committee on Indian Affairs to offer the following amendment:

For the removal of the Court Oreille band of the Chippewa Indians on the Red Cedar and Menominee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior, or the Upper Mississippi, \$10,000.

I have a letter from the Commissioner of Indian Affairs, explaining the necessity of this appropriation, and I will state

in five minutes the necessity of it. This appropriation, if made, will save a very large expenditure of money. There are some three, or four, or five hundred of these Indians. There have already arisen some collisions between them and the whites in the neighborhood of their reservations. Two white persons have been killed, and some Indians. There may be an Indian outbreak, and the Commissioner of Indian Affairs sent a special agent there, and that agent has returned and made report to the Department, and the Department recommends the appropriation.

The amendment was agreed to.

Mr. FITZPATRICK. I am instructed by the Committee on Military Affairs to offer the following amendment:

For the examination and survey of the several sites proposed for the establishment of a national armory and foundery, a report of which to be made at the next session of Congress, \$10,000.

Mr. HUNTER. I do not see what is the use of spending money for such a commission as this. It does not determine anything, if we have the report. If Congress ever determines upon a site for a national foundery, it can be done without such a commission. It seems to me to be an unnecessary appropriation.

Mr. FITZPATRICK. A similar amendment was agreed to by the Senate at the last session of Congress. It will be recollected that numerous petitions were presented to the Senate, suggesting various sites, and presenting the claims of six or eight different localities. The amount proposed is small, and I think the appropriation is a proper one. In the Senator's own State, I think three or four places have been urged, and some in Maryland, and in the West. This amendment does not commit the Senate to any large amount; but we want the information, as it may become necessary to act upon the subject. It will be recollected that there is not now an armory in the South—not one south of Harper's Ferry.

Mr. DAVIS. None.

Remarks of Jefferson Davis on the post office appropriation bill. Feb. 28, 1859.

Mr. DAVIS. If the object were to discontinue all routes where the compensation was not equal to the expense of carrying the mail, I should very clearly understand the proposition;

but that has been so often disavowed, that it would be idle to consider it in that connection. My friend from Virginia announces, and with great distinctness, that his object is to make the Post Office Department self-sustaining. That being the object. I do not perceive the necessity of inquiring whether a route pays one half the expense of carrying the mail or not. It is from no apprehension of an inquiry into the postal service of the State of Mississippi that I object to it; for that postal service is of the very poorest and lowest kind. Gentlemen vaunt the coaches and four horses. We have one or two stage lines; and on those, in the winter, the mails are carried on a little uncovered wagon or box. Most of our mails are carried on horseback, in saddle-bags—weekly mails. I do not believe the statement which has been so often announced here; I do not believe it is to be drawn from a correct return of the postal service within that State, of which so much has been said in the course of the debate. But whether that be so or not, this is not an inquiry which leads us to the point of making the postal service self-sustaining. The inquiry as to whether offices are necessary or not, whether routes are necessary or not, is not to be settled by ascertaining the amount of postage derived from a particular route. Therefore, I see no advantage to be gained by the vast volumes of returns which this inquiry will require; the great accumulation of figures which few, if any, will ever read.

My friend from Georgia, somewhat sensitive, as his remarks implied, at the idea that this was not statesmanship, goes on to prove to me that my view was not statesmanship; and convinces me that, though he has those innate ideas of which he has spoken, they have not been reduced to logical sequences. He says the defense of the country is a unit. Why? A unit, because the States surrendered to the Federal Government the subject of national defense; they have devolved upon the Federal Government the duty to provide for the national defense, and it thus becomes a unit. The States and the people having confederated together, and devolved upon their general agent that, as one of its duties. How does it stand in relation to the postal service? Have the States the right to establish their own post offices, and their own post routes, and provide for the transportation of their own mails? Not at all. The same instrument which granted the power to provide for the national defense, granted also the power to establish post offices and post roads. The Federal Government has as complete charge of the one as the other, and it is as much the duty of the Federal Government to provide for the one as for the other. In the performance of its duties it

requires mail routes where there are but few inhabitants, and most requires them where the postages would not pay for their maintenance; most requires mail routes on the remote frontier. where very little is derived in the form of revenue from the particular route. It is sustained for the public good; it falls as a charge; and, whether the form be a tax upon those who receive letters, or not, is not the question which I at all considered, or which I proposed to treat of on this occasion. It was whether it should be divided so as to have facilities stopped at one place, because at that particular place the mail transportation did not pay for itself, and to maintain it at other places because it did there pay for itself. If the States had the right to establish their own post offices, if the States had the control of the transportation of their own mails, then it might be fair to say, let each people pay for the transportation of its own mail matter.

But again, sir, it is a unit, because it is the relation between the producing, the rural districts, and the great commercial cities which requires these mails to be transported. You want correspondence with the great entrepot, and the merchants there, with whom you transact your business, require to have a correspondence in return with you, and it is this joint relation which requires the mails to be maintained; and this relation between the producer and the merchant, if there was no restriction, if there was no provision requiring the establishment of mails by the Federal Government, would lead to the establishment of mails by private capital. This relation between the agricultural and the mercantile portions of the community, I say, would maintain intercourse through mail routes at their own charge if there was no establishment by the Government whatever. Nor is it by any means to be determined by the amount of postage paid at a particular place, as to what amount of matter goes to it. It may be sent from places where the postage is paid. and the letters sent in return may not be equal to those sent out, and the Senator from Georgia knows that very well to be the case in every planting district. The cotton factors and agents send out many letters and circulars to the planters for one they receive in return. Looking at the postage received at an office in a city you find there an amount of matter which is prepaid entered to the credit of that office, and very little entered in return to the credit of the office where those letters have been delivered. It is a general system running throughout, interwoven completely throughout all parts and all portions of the United States, and cannot be divided in the manner which is here proposed.

The Senator from Georgia speaks of making the North pay for the routes in the South. I desire no such thing. I desire to make the mail service a unit, to make the postal arrangements such that the Post Office Department will sustain itself, and to do it by raising the postage, by striking off the franking privilege, by charging heavier upon the species of mail matter which now pays comparatively nothing, and thus to create the receipts of the office equal to the demand of maintaining all the mail facilities which the wants of the Government and a just attention to the wants of the people require should be kept up. Every man cannot pay for his own letters, as the Senator announces it. Every man must pay the postage on his own letters, but whether that will pay for the transportation of the particular letter or not, is a thing which is not determined. It varies with circumstances all over the country, and to require any such thing would defeat entirely the transportation of the mails in those localities where the number of persons requiring letters is very few, but where the necessities of the Government may be so great as to require the maintenance of a mail route. That this may be entirely understood, I will merely say that in some places where no mail routes are established, the Government is compelled to keep up its mail by sending it by express men, at the cost of the Government itself, without charge upon anybody else, because there is nobody else to pay. This is the case at some of the remote frontier posts.

So far, then, as the argument is made upon one side or upon the other for making the postal system self-sustaining, I have nothing to say against it. It was in that view that I voted for the increase of postage; it was in that view that I voted to abolish the franking privilege. I am willing to go as far as any one to secure this object. It is a species of direct taxation, and falls as equally, perhaps, as we can make taxation descend on the people. I favor it in preference to an indirect mode of raising money to support the transportation of the mails; but I object to this mode which would endeavor to ascertain where a route would not pay in order there to abolish it, or, by a sliding scale and a discriminating duty, to make them pay higher for the transportation of the letters on that route than elsewhere. Unless something like this be the object, I am at a loss to imagine what good the report here proposed can do. It will make Congress none the wiser as to the whole expense of transporting the mail, and I do not think there will be any information which will be at all available for legislation in the fact that route No. 120 or No. 7040 does not pay one half the cost of transporting the mail along it, and it will descend lower and lower just in proportion as that route shall be a link in the connection of two great commercial cities and itself merely a point over which this great mail passes.

As to the matter of each man paying his own postage, it is a thing I will say further, which I should not particularly shrink from, especially as it has been my fortune to maintain a special post office, and, in connection with a very few neighbors, pay for service. We have to pay for bringing the mail to us, and it is under the regulations of the Department that we have been embarrassed in the receipt of our letters, and are now more encumbered in getting a mail than we should be if no such thing existed as a Post Office Department. I could to-morrow make arrangements at the place where I reside for the delivery of the mail, with any packet-boat in the trade, on far better terms than we can get it through the Government. We derive no benefit whatever from the establishment of that route, and yet it would be returned, probably, as one that did not pay one half the cost of transportation. For many years it was maintained as a special office, (the neighbors in a small locality paying for the delivery of the mails,) and we had better service then than we have had since the Government took charge of it. So far, then, as the mere matter of paying the expense of transporting the mail is concerned, it is not only in this locality but in many others within the limits of the State which I, in part, represent, you will find persons associating themselves together, and applying for the establishment of a post office and post route on the condition that they shall pay all the increased expenses for the delivery of the mail at that point.

Mr. DAVIS. It seems to me few things can be more plain than that reducing the service one half, will not reduce the cost in the same proportion. The Senator from Arkansas has very properly stated there is, first, the incident of liability to have the service raised; secondly, all the posts along the route have to be maintained, and with the same force, whether the service be weekly, or semi-weekly, or semi-monthly. The cost of maintaining these stations through an uninhabited country must constitute a very large portion of the expenditure for the transportation of the mail. What amount would be saved, I am not prepared to say; something ought to be reduced, certainly, by reducing the service. I think, however, it would be a fraction much less than half. I doubt if it be a fourth.

Mr. STUART. Will the Senator allow me to say a word? Mr. DAVIS. Certainly.

Mr. STUART. I made the reduction precisely according to the law. The law says that the service shall be performed semimonthly, weekly, or semi-weekly, at the option of the Postmaster General, and fixes the rate for each kind of service-\$600,000 for semi-weekly, \$450,000 for weekly, and \$300,000 for semimonthly.

Mr. DAVIS. The question is though, whether, under the law. the Postmaster General, having elected and having made his contract, and all the arrangements having been made upon the basis of that contract, he can now change and make a reduction to that which the law might have originally contemplated? The arrangements of the contractors might have been very different if it had been a monthly route. It is quite clear that, in that case, they would not have established so many posts at short intervals, but would have preferred to take along the additional animals and the guard for each wagon. It therefore returns to the original proposition, that the Postmaster General has exhausted the power conferred on him by the law, and the contract stands now between these parties and the Government, and must be so dealt with. We cannot go back to the power which the Postmaster General had before he entered into the contract. and assume that power to exist in its entirety now.

One word more in relation to the proposition to change the route. I have no doubt many routes may be found practicable in the summer time, or at least in a portion of the summer months, but I believe there is not one save that which has been selected which is practicable for twelve months in the year; and the Postmaster General acted wisely in selecting, in the main, the line which he did. Some portion of it may be objectionable: some modification of it may be found necessary. There may be a junction of certain mail routes on account of the line passing where it is not necessary, and by uniting it with some other you answer a double purpose; but I believe, as I said, generally speaking, that he has selected the only route upon which we can rely on having the mail transported twelve months in the year.

What has been the recent experience on the line of about the fortieth parallel? We hear not only of the men but of the animals being frozen. As to the route of the thirty-fifth parallel, which is spoken of as the one which is always practicable, it so happens that not one mail has gone across it, though the route was established long ago, and an effort was made to have a mail

transported over it. I understand that not a single mail has yet gone across on that post route. We have also the fact staring us in the face—it is useless to go to meteorological tables to maintain it—that the party engaged now under an appropriation to construct a road have gone into winter quarters on that very line, said to be practicable at all seasons of the year, and with a large number of men necessary to work that road they have not dared to face it in the winter. It is, therefore, preposterous to speak of it as a line open to the transportation of the mail at all seasons of the year; a line which is beset by hostile Indians whenever the cold does not drive them to their fastnesses, and which is closed by snow and ice for a part of the year.

The position I take is, that there was but one route, generally speaking, and that the one which the Postmaster General selected, over which the mails could be transported twelve months in the year. I think we require one mail across the continent; I have no objections to having more; but I consider one mail transported through our own territory, and safe, therefore, under all circumstances, for the transmission of letters to be necessary to the Government. I believe we have but one route where this may be secured, and that other mail routes will only answer the purpose a portion of the year. If, therefore, it were probable that the contractors would, on permission being given, change the mail route, I say the Government ought not to permit it, convinced, as I am, that, if it were changed, it would result in failure, and the Government could not get its mail matter transported some portions of the year; but I have no idea it will be changed. If there is anything to be gained by this system of experiment upon the probable views of contractors, I am perfeetly willing to have this question submitted to the test of these experiments. If they like to go somewhere else, if they will agree to go anywhere else, without taking any more time. I shall be more disappointed than I expect to be.

Remarks of Jefferson Davis on Army appropriation bill. March 2, 1859.

Mr. DAVIS. I wish to make a report from a committee of conference.

The PRESIDING OFFICER. By general consent, the Chair will receive the report.

Mr. DAVIS. The committee of conference on the disagree-

ing votes of the two Houses on the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, have met, and, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from their disagreement to the Senate's fourth amendment and agree to the same with an amendment, as follows: Strike out, "including experiments on heavy ordnance for that purpose," and insert at the end of said amendment, "out of which \$50,000 are to be used for experiments on heavy ordnance."

That is to say, they have not changed the amount, but they have changed the language so as to direct specifically that out of the appropriation of \$200,000, \$50,000 shall be used for experiments on heavy ordnance.

The committee recommended that the House recede from their disagreement to the Senate's fifth amendment, and agree to the same with an amendment, as follows: Strike out the words "and fifty." It was proposed to appropriate \$250,000 for horse equipments for the mounted regiments and stores and supplies. The House recede so far as to permit an appropriation of \$200,000 for this purpose, and the Senate recede from that portion of the amendment which provided that \$100,000 should be used during the present fiscal year.

The Senate recede from the following amendments, namely: sixth, seventh, nineteenth, twentieth, twenty-fifth, twenty-seventh, and twenty-eighth. If it is desired, I will state what these amendments are. ["No."]

The House recede from their disagreement to the following amendments of the Senate, and agree to the same, namely: eighth, fifteenth, twenty-first, twenty-second, twenty-third, and twenty-fourth.

The House recede from their disagreement to the Senate's twenty-sixth amendment, and agree to the same with amendments, as follows:

After line five, insert the words: For Fort Knox, Penobscot Bay, \$20,000.

Strike out lines eight and nine (which contain the appropriation for Fort Tompkins).

In line ten, strike out "fifty" and insert "forty."

After line ten, insert these words: For Fort Montgomery, Lake Champlain, \$10,000.

In line eleven, strike out "one hundred" and insert "seventy-

In lines thirteen and fourteen, strike out "one hundred" and

insert "seventy-five."

In line seventeen, strike out "seventy-five" and insert "fifty."

In line nineteen, strike out "fifty" and insert "thirty."

In line twenty-two, strike out the word "five."

In line twenty-four, strike out "fifty" and insert "thirty."

I will state, generally, the object of these amendments, as the Senate may not recollect them by their numbers. The Senate recede from their amendment increasing the appropriation for the Benicia arsenal, from \$50,000 to \$100,000; it remains at \$50,000. The House recede from their disagreement to the amendment of the Senate, increasing the appropriation for the Texas arsenal from \$15,000 to \$21,000. The House recede from their disagreement to the amendment providing for printing a revised edition of the system of instruction for field artillery and for procuring and distributing to the militia of the United States books of tactical instruction. The Senate recede from their amendment providing for the settlement of the accounts of officers for quartermaster's stores issued to Kansas volunteers. The Senate recede from their amendment providing that no more of the outstanding appropriations shall be expended during the present year herein provided for than the amount which shall be necessary to settle liabilities previously accrued. The House recede from their disagreement to the different amendments in relation to the Military Asylum. The Senate recede from their amendment providing for the payment of interest in the adjustment of the accounts of the States against the United States for expenditures made during and after the war of 1812. The House recede from, and agree with, an amendment, as I have stated the sums, to the amendment in relation to fortifications. The Senate recede from their amendment, to which the House disagreed, in relation to the inspection of servants and horses of officers of the Army, and allowing them their commutation.

Mr. MALLORY. Allow me to ask the chairman of the committee of conference a question. I did not hear him mention the sums kept in for the forts in the Gulf.

Mr. DAVIS. For the principal work at the Tortugas, the sum remains as provided for by the amendment of the Senate. For the work at Key West, Fort Taylor, the Senate agree to a

reduction of \$5,000 of the sum appropriated by the amendment of the Senate,

The report was concurred in.

Remarks of Mr. Davis on furnishing the Capitol. March 2, 1859.

Mr. DAVIS. I think the amendment offered by the Senator from Indiana, the chairman of the Committee on Public Buildings, is eminently proper. I thought so when it was presented: but I have received fresh confirmation from the criticisms of the Senator from Tennessee and the Senator from Virginia; and therefore I most seriously object to the proposition of the Senator from Tennessee, which is to put the furnishing of these rooms in the hands of somebody, who is to receive guidance from the chairmen of committees; for, with such an exhibition of taste as they have made, I really think they are not fit to decide upon the furniture of rooms. One announces that he had nothing to do with the building of the wings, and he calls the decorations "gew-gaw." It may be so to him; it may be that his taste has not been sufficiently cultivated to determine the difference between a high work of art and what he terms "shabby gentility." That is his misfortune; and it would be my fault if I selected him to furnish a committee-room for me, with such an evidence of taste as he has given. I should not do it. So of the Senator from Tennessee, who finds nothing but a wasteful extravagance in the construction of the building, and a departure from republican simplicity, because it is beautiful. Sir, the sovereign people deserve as good a house as any man who was ever born a monarch.

It was proper to select some one familiar with the building to determine upon the plan of the furniture; not that it is to be painted like the wall; I presume that is not designed; but it is to have a certain elevation, a certain depth, a certain appropriateness to every room in which it is to be placed. A design is to be made; and some one acquainted with the makers of furniture, a judge of material, and acquainted with the men who work it, who would know how to get bids, how to obtain furniture of the best kind at the lowest price, ought to be selected. Though some Senators may have provided from their committee-rooms elsewhere, all the furniture they require in them here, there are others who did not.

Mr. MASON. If the Senator alludes to me, I will say that I never ordered an article of furniture since I have been a

member of the Senate for my committee-room but one, and 1 have been in the Senate twelve years.

Mr. DAVIS. When was that?

Mr. MASON. That was a case to contain the papers of the committee, and I limited the price to fifteen dollars. In twelve

years that is all the furniture I have ever ordered.

Mr. DAVIS. Well, I say this: the Senator's room is a great deal better furnished than the one of the Committee on Military Affairs, if he had furniture which he could remove into it quite appropriate to the one into which he was going. The large shelves which stood in the old room of the Committee on Military Affairs could not be removed to take a place in the new room.

Mr. MASON. Nor mine.

Mr. DAVIS. More furniture is wanted in that room, and more furniture is wanted in many rooms of the building, as I infer from the statements of gentlemen who serve on the committees, and \$10,000 is not enough to answer the purpose. The \$10,000 will but little more than adequately furnish the retiring room, which now stands naked, without a chair appropriate to it, or a lounge, or anything else which is in accordance with it. If the Senator had not given his own description, I should have supposed he might mean by shabby gentility. the few cane-bottomed chairs standing in that room, which is lined with beautiful and highly polished marble.

Mr. MASON. The Senator does me injustice. I did not say "shabby gentility." I said "shabby splendor and mock

gentility."

Mr. DAVIS. "Shabby splendor and mock gentility!" All, except the splendor, I find in the cane-bottomed chairs which now grace the retiring room, is mock gentility to the Senator's content! I would give furniture appropriate to the room and appropriate to the Senate of the United States. I would have some one who was fit to select it, and I would not have a committee directing him. I would have something which was in accordance with the plan of the building. The committees are changing constantly. Who knows whether he will be on any particular committee next year? Why should a Senator who happens to be chairman of a committee during this session prescribe furniture for the room of that committee hereafter? He may cease to occupy that position at the close of the session. It is for the Senate to decide what place he will occupy at the next session.

The Secretary of the Senate, the Sergeant-at-Arms, or anybody else who may be selected, may be a proper person enough

to purchase the furniture, but I object to his being selected on the ground that the committees are to direct him; and I hope, whoever he may be, he will be a man who, when the committee comes to direct him, will tell the committee what he thinks is right, and, after they have heard him, will do what he believes to be right, whether it pleases them or not. I want furniture made appropriate to the rooms, and in such quantity as the convenience of the committees may require, and of such character as the uses prescribed render proper. I do not care whether the Senator wants pine shelves, pitched or painted. I say neither one nor the other would be appropriate to the rooms in which the committees meet in the new wing of this building. Neither do I see that there would be any great deal of economy in purchasing inferior materials, which would shrink and swell back and fall to pieces, to be renewed or repaired from time to time, with injury to the books put in them. I have no confidence in that poor economy which injures valuable books to avoid buying a case that would preserve them. which would stick them upon shelves to gather dust and feed the worms, instead of securing them in cases that would keep them for posterity, and save them from depredation.

Remarks of Jefferson Davis on the civil appropriation bill. March 2, 1859.

Mr. DAVIS. Mr. President, the question, as I understand it, is whether we shall borrow money enough to enable the Government to perform its duties or not? The Senator from New York, if I appreciate his line of argument, says he will not consent to borrow this money for the support of the Government, because we have made no provision for raising a revenue adequate to its wants. That, to my mind, is no reason at all. It is the fact, that we have not made a provision adequate for the wants of the Government, that has created the necessity for the loan. It does not matter whence this necessity arises; we have to deal with the existing fact. Shall we meet it, or shall we paralyze the arm of the Government? It is not because our people are unable to pay as much as is needful; it is not because of the poverty of the country; but there has been an interruption in our foreign commerce; there has been a change in the scale of duty, and a change in the number of articles subjected to duty, and a diminished revenue from these conjoined causes, and a consequent want of means to carry on

the Government. If we should change our system of revenue to any however well devised, however productive of a large income hereafter, the necessity will be the same. No system of imposts could bring us money immediately. Even if you were to resort to direct taxation, there would be an interval within which you would want means. A loan, therefore, is a necessity, under any possible view to be taken of the case, unless you choose to shrink from the obligation of meeting the necessities of the country, and enabling the Government to perform all its functions effectively.

As to what will be the result of the existing tariff on the revenue of the country, with a restoration of commercial prosperity, it is well known that there is a contradictory opinion. I have no fondness for the existing tariff. I look upon it as eminently protective: in so far as it has attempted to put those articles used by the manufacturer on the free list, that it departed from the strictly Democratic principle of imposing duties as taxes for revenue, and for revenue only. I would prefer, today, to return to the tariff of 1846, which did bring an adequate revenue, and, probably, would bring it again, and which had, at least, the great Democratic feature of spreading its application over a large number of articles, and imposing the duties ad valorem upon all. Its schedules were, in some respects, objectionable; I would be glad to see them changed; but I say it commends itself to me as being less protective in its character than that which we now have.

But how does this affect our action as Senators on the present question? We see the necessity of the Government; the Finance Committee calls on us to grant the power to make the loan; and the Senator from New York answers, "we have not the means of providing for its payment immediately, and therefore I will not consent to borrow." A revenue measure cannot be originated here; it depends on the other House, over which we have no control; and yet the obligation is joint upon us to provide the means for carrying on the Government. I am unable, by any system of argument to which the Senator has led me, to perceive how he reaches his conclusion. It is true, he referred to the fact that the adjustment of the tariff belonged to the other House. There let it rest; we are not attempting to disturb it. So far as his friend, who sits nearer to me, the Senator from Pennsylvania, [Mr. CAMERON,] who preceded him in the argument, is concerned, he argued the question as though it were an opposition on the part of the South to any adjustment. I tell that Senator, outside of official

information, that the Representatives from Mississippi were willing to meet this question face to face, and renew for three years the duties of the tariff of 1846, in order to supply the Treasury; and that the Representatives from his own State did not concur in it. I have not found southern Democrats generally reluctant to bear any amount of taxation which was necessary to support the Government. They are reluctant to meet expenditures for unnecessary, and, most of all, unconstitutional purposes; but they are willing to bear any burden which devolves upon them as citizens sustaining the Government of which they are a part. If there be no change in the revenue system, my own opinion is that this loan will be prolonged; it will not be merely sufficient to grant the authority now; but we shall have to renew it. Whether that will be so or not, however. I say we are bound equally to meet it. whether it be temporary, more or less. If the expectations of those who favor the existing tariff shall be realized, and it shall bring in a revenue equal to the wants of the Government, the loan will be paid off, and we shall be required to make no more. If it should not, then, of course, as honest men, they must surrender their opinions, and meet us on a basis of taxation which will suffice for the wants of the Government. I should be ready to-day, if the House of Representatives should present it to the Senate, to vote for a bill imposing a direct tax equal to the payment of the debts, and providing for any deficiency in the revenue. I prefer it to all other modes of collecting money. I believe it will bring economy in the administration of the Government-that thing of which we hear so much, and experience so very little. Then members would return to their constituents to show under what necessity they voted for appropriations; not to show wherein they failed to obtain something more than that which they were able to get. It would purify as well as render economical the administration of the Government; and it is my last best hope for both these beneficent results.

The Senator from Pennsylvania, however, has a sad view of the case—that he saw no indication of a purpose, either on the part of Congress or of the Administration, to provide for the protection of American industry. This is a revival of that which I think has long existed as a delusion upon the country. I hold to-day that there never has been a revenue tariff yet, so far as it looked to the protection of American manufactures, which did not discriminate against the laborer and in favor of the capitalist; and I now challenge any of the advocates of the

system to lay their hand upon a single instance where the discrimination has not been for the capitalist and against the laborer.

Mr. CAMERON. Will the Senator allow me to interrupt

him?

Mr. DAVIS. Certainly.

Mr. CAMERON. I shall be very glad if the Senator from Mississippi will point out some enactment in which a discrimination has been made for the benefit of the capitalist against the laborer.

Mr. DAVIS. If that is all you interrupted me for, if you had held up, you would have got it in a minute. I have a case, and I mean to present it. The Senator who has read to us an essay on the subject this morning, and who has availed himself of every convenient opportunity, during the present session, to read an essay on this subject, when I put to him the question, rises and returns it to me with all gravity, as if I had been the introducer, and he only the attentive auditor of some one who was lecturing on the tariff. Why, sir, he has been the teacher; I am not the taught. I have heard his lessons, and learned nothing from them. I asked a direct question, and he returns it back to me.

I will take the material in which, from many causes, I have been most interested, and which constitutes a species of manufacture to-day the largest in capital, and the largest in its effects upon the commerce of the United States in its relation to foreign countries—cotton and its manufacture. By an examination of the manufacture of cotton in America and in England, I find that the cost of one pound of No. 14 yarn, in the United States and in England, bears about this comparison: in the United States, I put the labor per pound at four and sixty-two hundredths cents: the interest on the capital, and wear and tear in the United States, estimated at ten per cent., upon an investment of \$200,000, is two and thirty-eight hundredth cents; the supplies, we will say, ninety-eight hundredths here and in England; the interest in England one half that in the United States, and the labor ten per cent less; the price of cotton the same; the waste the same. Adding these items together, you have the total cost for a pound of No. 14 yarn in the United States, twenty-one and forty-eight hundredths cents; in England, nineteen and seventy-nine hundredths cents, being a difference of one and sixty-nine hundredths cents. Now, a duty of twenty-five per cent, would be four and ninety-five hundredths upon the cost in England, less the difference in the cost of manufacture, which we have just stated to be one and sixty-nine hundredths, which would leave three and twenty-six hundredths. Then, as we sell in this country on six months' credit, whereas in England they sell for cash, deducting from the difference already stated, fifty-nine hundredths for the six months' credit in this country, it would leave a residue of two and sixty-seven hundredths cents, which, upon four and sixty-two hundredths cents, the cost of the labor in the United States, would be exactly sixty per cent. Or it may be stated more briefly thus:

The cost of one pound in the United States is21.48 ce	ents.
Add sixty per cent. on 21.48 as protection for American labor	"
Total24.15	66
The cost of one pound in England is	66
15.20	"
Total	"

These are equivalents. That is upon a lower character of manufacture. Then let us go to a higher, and take one pound of No. 40 varn. There, by the same mode of calculation upon the same amount of capital, a capital of \$200,000, giving the same advantage for interest in favor of the English, and the same advantage in the cheaper labor, we find that a duty of twenty-five per cent. gives on that higher character of manufacture a protection of only nineteen per cent. Why is this? It is for the capitalist who requires a large capital for the higher manufacture, not for the labor. The labor in the one case is the same as in the other; and yet we have been told time and again by those who have advocated these scales of duty, that they were asking nothing upon the coarse cotton; and so deceptively have the schedules been drawn, that, while the country believed they were standing alone, they were getting sixty per cent. upon what alone they dlaimed protection for-labor. We can only excuse them from the charge of having thus practiced a fraud by admitting what I stated in the beginning, that the duty is arranged to protect the capital, not the labor.

I give my case to the Senator from Pennsylvania. I hope I have his attention.

The Senator from Pennsylvania went on to inform us that he would protect the rights of the producer of cotton as he would those of the producer of iron. I thank him for the patriotic purpose, the fraternal feeling which prompted the declaration; but I am at a loss to know how he would protect the interests of the grower of cotton. I can imagine no mode in which he would approach legislation for the protection of the grower of that which now, to a great extent, controls the commerce of the world, and of which we are the great exporter. The price in the United States is regulated not only by the price in Liverpool, but the classification in Liverpool. Unless the Senator will provide for paying out a bounty for every pound or bale of cotton produced, there is no possible mode by which he can legislate for the benefit of the cotton planter. For a long time, it is true, you did retain in the American tariff a protection or a duty imposed on the importation of cotton, well knowing that no cotton was imported; that it was entirely delusive there to insert it, if anybody, indeed, was ever stupid enough to believe it could be thus imported. Equally true is it of rice, except so far as the Chinese upon the Pacific coast, adhering to the diet to which they have been accustomed, still insist upon importing Chinese rice.

How, then, does the Senator propose to exemplify this patriotic and generous feeling which he announces? I give him credit for the feeling. My old and habitual personal regard for him made it very welcome to me to hear him announce that feeling; but it is needful that I should point out to him the fact that his feeling is one which can do us no possible good, except the pleasure some may derive from it, as I did when I heard it.

Mr. CAMERON. The Senator will allow me to say to him that, while I return all the kindness of personal feeling and respect that he talks about, I think we do protect the South. What is this large Navy for but to protect your interests? You want it increased now. Within the last few months, at least one, or perhaps two, ships, laden with slaves, have been brought into your southern country, which you have not been able to keep out, and the perpetrators of the crime you have not been able to discover. We are taking care of your interests, I think, by having a Navy to protect you from that influx

of negroes which is going to reduce the value of your property. What is this great Army for? We do not want it in the North. Our population can take care of themselves. This Army has been necessary for a great many years down on your borders, and will probably be for a great while to come, to protect you against domestic troubles.

It seems to me that the South have had about as much benefit from this Government as any portion of the Union. They talk a great deal about their cotton. They are fortunate, to be sure, in having a great agricultural product which at this moment, and perhaps for all time, will command a ready sale, at high prices; but that does not prove that they do not want the protection of the Government all the time; nor does it prove that they ought to feel, in the pride of success, a desire to trample on the interests of other sections of this country. I repeat, there is no question brought up here affecting the North, but gentlemen of the South, if it looks at all to the prosperity of our manufactures, imagine that wrong is being done to them. Does it do you harm because we are prosperous? I think not. You ought to rejoice in it. On the contrary, the constant complaint and constant charge on us is, that we are destroying your interests. If you have all the prosperity you talk about, and I am glad you have, why do you make complaint of us when we desire to have our interests protected and cared for?

Mr. DAVIS. The Senator interrupted me, for what purpose I have vet to learn, unless it was to interject a portion of the essay which he had not written out. I made no such complaint; I made no such boast. We are wealthy enough to take care of ourselves, and we ask no bounty to our labor. It is not true, however, that I boasted, in any sense of the word, of our prosperity. I said we did not get your protection, and you could not give it, to the interest to which the Senator referred. I did not say that the Army and Navy might not be a protection to the South, as well as to other sections of the country; but, since the Senator has made that discrimination, I will tell him that he is altogether at fault when he supposes our section to be that which either the one or the other does protect. It has been many years—and then only when they were escaping from an epidemic-when the foot of a United States soldier was on the soil of Mississippi; and my friend [Mr. CLAY] says it is true of Alabama. On the frontier of the Rio Grande we have posts, and so we have on the frontier of the Niagara; and wherever our people look out into a foreign country, it may be needful to have military posts. Now, however, but very small garrisons can possibly he kept in either. I never heard such an argument as that which the Senator adduces to show the benefits we derive from the Navy-that there are two ships which have come in with Africans, and the Navy is necessary to prevent a flood of others from following them, and that we never shall be able to detect anybody who brings them in. I have heard of but one, and that one but a poor little schooner; and I understand that bills have been found against the persons who brought in a few Africans upon that; so that the Senator is wrong all out, and worse and worse the further he goes. It is only to protect the South from getting, if they please to receive it, a cheap labor to compete with that which you import. We adhere to the law passed under constitutional authority. There has been a public sentiment that has, from the origin of the Union, prevented the importation of African slaves in violation of law. You have worked yourselves into an idea of sickly philanthropy, with distorted vision, imagining that we were about to derive some benefit to the injury of others. At last, the Senator turns off, by announcing that we are protected from the influx of cheap So long accustomed to disclaim against the curse of cheap labor, so little perceiving what is the truth, he imagines that the planter would be ruined by cheap labor; the thing, above all others, that every man who employs human labor desires; which it is a mere fiction in the manufacturer, as it would be in the planter, for him to say that he would not desire, and which would not contribute to his interests. have, for other reasons, social and political, not chosen to admit the importation of Africans; and if there was no law of the United States against it, we would replace it by a law of our own State; and, first of all, we took the lead in breaking down that importation; and the first time a sovereign State spoke in tones bordering on defiance to the Federal Government, it was the State of Virginia, on this very subject of importing Africans into her ports; and let me tell the Senator that northern traders were the persons then, as now, engaged

But, sir, in this tissue of errors, growing out of a total misconception of the social and industrial position of the South, the Senator passes on to another suggestion, which I have heard so often that I am afraid, at last, somebody will begin to believe it—that is, that the white laborers in the South are degraded. There never was anything less true asserted upon the floor of the Senate; never anything less true asserted out of it. Where men may stoop to willfully misrepresent truth, there never was anything less true than that statement, repeated often as it may be; but it is exactly that lower caste in the human species, that substratum—

Mr. CAMERON. I beg the Senator's pardon. Is he re-

plying to me?

Mr. DAVIS. I reply to the statement, and I reply in no offensive sense. The Senator makes a statement that the white laborers of the South are degraded. I say there was never anything less true, either in the Senate or out of it. I say that the lower race of human beings that constitute the substratum of what is termed the slave population of the South, elevates every white man in our community. I say it is there true that every mechanic asumes among us the position which only a master workman holds among you. Hence it is that the mechanic in our southern States is admitted to the table of his employer, converses with him on terms of equalitynot merely political equality, but an actual equality—wherever the two men come in contact. The white laborers of the South are all of them men who are employed in what you would term the higher pursuits of labor among you. It is the presence of a lower caste, those lower by their mental and physical organization, controlled by the higher intellect of the white man, that gives this superiority to the white laborer. Menial services are not there performed by the white man. We have none of our brethren sunk to the degradation of being menials. That belongs to the lower race—the descendants of Ham, who, under the judgment of God speaking to the prophet Noah, were condemned to be servants. To propose that we should change our industrial system, that we should bring the negroes up to a level with the white man, would be such an offense that the lecturer who would come to teach such philosophy would be fortunate indeed if he should escape without some public indignity. One of the reconciling features in the existence of that particular institution called domestic slavery of African bondsmen, is the fact that it raises white men to the same general level, that it dignifies and exalts every white man by the presence of a lower race. I say it in no terms of disparaging comparison with others. I say but what has been with me a deliberate conviction, that it is promotive of, if not

essential to, the preservation of the higher orders of republican civilization.

But, upon the theory of getting a country's prosperity by taxing one class to support another, I would ask, what difference is there between that and going into the community and hunting out of the industrious, thrifty men, and laying a tax of ten per cent, on their net proceeds, in order to give it to those who are deficient in intellect, or physical capacity, thrift, or any other quality which causes men to be prosperous. The only difference I can perceive is that, instead of taking the unthrifty workman, you take the unthrifty subject, you cast about to find what pursuits will sustain themselves, and say, let us tax these in order that we may encourage other pursuits which, not being self-sustaining, will be abandoned by our people if left to choose for themselves. I am glad to see manufactures in our country; I am happy to see everything which the nation requires produced within its limits; I would be glad to extend its area and include within its agricultural products the complement of all which our country now bears. I would be glad to annex tropical country, to add tropical fruits, coffee, and cocoa, and all else which we require; glad to acquire a portion of Mexico, that we might get tin to aid in the manufactures of America, and complete the circle of our products and the circle of our industry. I would force no man to pursue that which is not profitable; tax no man to make that profitable which otherwise would languish,

I believe this subject has been so often discussed, and so much better discussed by others, that, at this period of the session, I will not allow myself to be drawn into a train of thought into which I was rapidly running. I will merely say, that as I should oppose the payment of bounties to a man who would make an ax, or a hoe, or a bale of cotton, or a tierce of rice, so I would oppose laying a duty for the purpose of inducing him to make one or the other. We are blessed with a climate and soil which does not reduce us to a competition with the laborers of other countries. Whilst we have the elements at work, and a virgin soil lending its assistance to the industry of man to make his labor productive, I see no reason why we should go into competition with those countries which. being driven to the manufacture of articles because they have no other pursuit, will produce them more cheaply than it is possible for our people to do, whilst they have so wide a range of productive labor lying before them. Leave each man under our free institutions the right to select that pursuit which may be most agreeable and profitable to him, and the prosperity of each will be the prosperity of the whole. When our country becomes teeming in its population; when its agricultural products have more than supplied the world; when the markets of foreign countries can no longer receive our products, then, and then only, shall we be brought to that level in the struggle for bread with foreign labor, which will enable us to compete with them in the manufactures of the higher classes of industry.

I believe I have answered the question of the Senator from Pennsylvania, so far as it was needful to illustrate the position which I occupy; and it is only now for me to say to him, that whilst I would not accept any authority against what I believe to be an opinion resting as well upon argument as upon constitutional right, I do not think his citation of General Jackson does justice to the memory of that great man. I think his distinction was, that the protection of those things was necessary to the country in time of war. He had felt the evils of waging war without the supplies necessary for troops in the field; he had seen soldiers shivering under a severe climate without blankets; he had felt the want of all the manufactures in which our country had then advanced so little, that they were unable to supply the wants of the country when commerce was cut off; and this led him to a recommendation which, however just in his time, it does not follow would always bear the same relation. If it could be shown to me now that the necessity existed as plain as it appeared to him at one time, that certain manufactures should be protected in order to secure their existence in our own country, I would go not only to that extent, but still further; I would follow even to the verge where General Washington stood, and be ready, if there were no other means to obtain them, to establish the manufactures by the United States. But happily the inventive genius, the progress, and prosperity of my country relieve me from any such apprehensions for the future. We are able to produce whatever we require, to manufacture whatever we need. Under free trade, it is true, that whilst the peace of the world remains and under free trade the peace of the world would day after day become more difficult to break-it would follow that some branches of manufactures now pursued would gradually decline, but the power and resources of the universal Yankee nation would be equal to any wants of our people.

Philip A. Roach to Jefferson Davis.

(From New York Historical Society.)

San Fc⁰, 17 May, 1859.

Hon. Jefferson Davis, Senate of the U.S., Washington.

Dear Col: I reed in due course of mail Speeches on French Indemnification, on Pacific R. R. and per yesterday's mail those delivered in the North. I was much pleased with the R. R. speech as yours is the only one emanating from a Southern Source in favor of that measure. I have forwarded the documents received to the Country Journals in the great

mining centres where the Democratic influence prevails.

Here there is some talk of Joe Lane for President. carry this region, next canvass, we must have a candidate on a strong Rail Road platform. Immigrants are pouring in here in large numbers and all of those are hostile to the Steam Co. monopolies. Our laws relating to Citizenship date residence from time persons leave their old homes to come here. Many thousands principally from the free states will arrive in time to take part in our Presidential election. These with the assistance of Black Republicans and Douglas Democrats, unless we have a R. R. candidate, might defeat us. After the R. R. the dearest object of hope for the Californians is the overland mail. It arrives here regularly in 22 days 6 hours. With a little additional pay it might be run daily and would prove adequate to all wants and enable us to dispense with the ocean routes, through foreign territories and unhealthy climates, in which our people are exposed to outrage from the weak governments. The weight sent semi monthly, if subdivided in fifteen daily portions, could be very easily transported overland. When this question arises in Congress I hope that you will merit our gratitude by its earnest advocacy. In gubernatorial matters Weller is encountering a stronger opposition than was expected. Denver, Latham and Nugent, combined, can outvote him and as this is the first time a Congressional election occurs with that of Gov. matters are much complicated. Notwithstanding this I think that W. will be elected, in which case, hereafter it will make him Senator: but if by any chance he be defeated, it will render his election as Senator the more certain, for with the masses he is the most popular man in the state.

I have earnestly urged James to benefit his health by paying us a visit.

With regards to Mrs. Davis,

Truly yours

PHILIP A. ROACH.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

To the President

I have found in the mighty hay stack, the debates of the last session, the remarks of which we conversed. The report is bad, even the table of costs in manufacturing which was given to the reporter has been mutilated. The corrections made in pencil may enable you to understand my view, but it is not so fully presented as probably to answer the end you proposed.

Very truly yr. friend

JEFFN: DAVIS

May 24, 1859

His Exceley.

Jas. Buchanan
Executive Mansion.

William A. Buck ¹ to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Mobile May 27 1859

Will Col. Jeff. Davis overlook the presumption, & oblige very much an old Mississippian, by settling a little matter of dispute among a few officers of some of our City Millitary Companies—

At the battle of Buena Vista, did you throw your Mississippi Riflemen, in the V formation, by previous design on your part, or by the force of a sudden emergency?

Which part of the V did you present to the enemy? & why—Wishing you a long life of health, happiness & usefulness

I remain

To

Very Respectfully W^m. A. Buck

Hon. Jeff Davis Brierfield Warren Co

Miss

¹ Formerly of Macon, Mississippi, a citizen of Mobile in 1859.

[Israel Welsh 1 to Jefferson Davis.]

Col Jeffn Davis

Mobile Ala May 27/59

Happening to be in this city my friend Mr Buck requests me to join him, in asking you to reply to the questions which you will find in his letter, Mr Buck formerly of Macon Miss, is now a citizen of Mobile, and a prominent and zealous member of one of its military companies, and it seems that some officers of the City have been discussing with considerable spirit, the matter proposed in his interrogatories and, are anxious to have your account of an event which has become historical.² I hope you will find it consistent with your sense of propriety to give Mr Buck a full and prompt reply.

Very Respectfully Yours
ISBAEL WELSH

Upon the authority of what you told me in Jackson last winter, I have promised the people of Noxubee County, the pleasure of seeing you during the coming summer, and I assure you that you will find thousands of warm hearted friends to greet you on your arrival in our midst.

WELSH

[Indorsed: W^m A. Buck about V at Buena Vista—Ansd.]

Joseph R. Davis 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Canton June 6th 1859

Hon Jeffn Davis My dear Uncle

Your letter was reed this morning. I regret to hear of Aunt Varina's ill health and hope that a few weeks in the mountains may entirely restore her— Your own health I hope is good—

I did not buy the Quitman land—my purpose in mentioning it to you, was to get you to buy it—I knew it would go too high for me— It sold (1640 acres) for \$25 per acre, two thirds cash and the purchaser would have given more— I like

¹ Of Macon Miss.; afterwards a Confederate Congressman. ³ See Col. Davis report of the battle of Buena Vista.

Nephew of Jefferson Davis, brigadier-general C. S. A.

your suggestion about the Arkansas lands and regret that circumstances prevent me from examining them—

I have a friend here, a civil engineer, a very reliable man and a good Judge of swamp lands and I am inclined to get him to locate two or three thousand acres of the land you mention—If you feel inclined to have a location made and will inform me soon, this agent I think will give you satisfaction. I am a candidate for state senator from Madison & Scott—hope to be elected this time—

The slave trade question is exciting some interest among our people—I fear it will be a disturbing element in our democratic convention— The feeling in favor of reopening the trade is a growing one—Our friend Singleton has some fears that it may defeat his election—I do not think it will have any influence upon it—

I hope to see you and hear you this summer, but do not wish to see you take ground on this question, one way or the other— If you come home by Grenada I hope you may find it convenient to stop with us a day or two. Please write me soon and let me know if you are inclined to get my friend to act for you in locating what land you want—Please mention the particular district of Arkansas the best lands are. Remember me to Aunt Varina and your children. Mother and Fannie desire to be remembered

Your Nephew
Jos R Davis

[Endorsed:

Jos. R. Davis
June 6, 1859
Ansd. June 15./59
enclosing draft
on P. & H. for
two thousand
dollars, to buy
land in Arks.]

H. J. Harris to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Vicksburg, June 7th, 1859.

Dear Sir:

The letter for your brother, which I send to your care, contains some papers of importance to him. Please hand it over as soon as he arrives in Washington.

Political matters here give promise of great confusion. Singleton's position on the slave trade question is not satisfactory to the great body of the democracy; and I anticipate his defeat in the Convention.

You may have noticed that, in the Southern Convention, I voted against repealing the laws against reopening the slave trade. It was a bitter pill to vote with Foote; but I honestly thought the democratic party would be destroyed by the agitation of the question, at this time; and hence my position.

Please inform me where a letter will reach you about the 1st

of July, as I wish to write to you.

The operation on your eye, I trust, has been followed by

the happiest results.

The river is falling rapidly—an inch in 24 hours, with every reason to look for an increase of the rate.

With assurances of undiminished regard,

I am yours truly,

Hon. Jefferson Davis, Washington, D. C.

Jefferson Davis 1 to William A. Buck.

(From Confederate Museum, Richmond.)

Washington, D. C. June 21, 1859.

H. J. HARRIS.

My dear Sir:

Your kind letter of May 27 was received at this place, and thanking you as a Mississippian for the motive which prompted your inquiry I have the honor to reply by a statement of the facts as a more satisfactory mode than a categorical answer to your questions.

The charge of Mexican cavalry was not anticipated, indeed the presence of such a force on our left was not known until it debouched from a ravine about four hundred yards distant and commenced advancing upon us. The Missi. Regt. was at the time marching to the rear by the left flank and close to the bank of a deep ravine, in which was a Indiana regt.

¹This letter is in Mr. Davis' handwriting, it is not addressed to any one and is unsigned, but it is evident that it is a copy of the letter sent to William A. Buck in reply to his letter of May 27 inquiring about the formation of the Mississippi troops at Buena Vista.

which had taken shelter from the fire of a battery on our right, we being on the left of the line of battle and thrown back perpendicularly to it. The plain on the margin of which we were marching led to the rear of our line of battle and to the road along which communication was kept up with our depot of ammunition and other supplies. Our batteries on the right of the line of battle were unsupported by Infantry and therefore liable to be captured by cavalry charging suddenly from an unexpected quarter.

You will thus see the imperious necessity for checking the advance of that cavalry. For that purpose the Missi. Regt. was formed in line of two ranks across the narrow plain with a portion of the right wing thrown forward and resting on the bank of the ravine.

A message was sent to the Captain of a battery, a short distance in our rear, to move up a section of his guns and form on our flank. In the mean time a portion of the Indiana troops were brought up to the brink of the ravine and formed along the bank. Thus two lines forming a reentering angle presented a disposition the reverse of that usually adopted to resist cavalry. The rule in such cases you are aware would have indicated the refusal of the left wing so as to have offered a salient instead of a reentering angle, as, if time and numbers permitted, the formation of a square. You ask whether this formation was the result of previous design on my part or of the force of a sudden emergency. Our Regt, could have been formed in line instantly by halting and facing to the front. Standing on the brink of a precipitous ravine it would have been absolutely secure against a charge by the Cavalry, but the Cavalry then could have dashed by and have passed the rear.

Their force was so superior to ours that they could have afforded to sacrifice as many men as our fire, under such circumstances could have cost them. It was not therefore the suddenness but the importance of the emergency which entered into the determination of our conduct.

In so far as I had not calculated on that disposition of troops to receive a charge of cavalry, it must be said that there was no previous design, but familiar from a military education and many years of military service with the advantage of a converging fire, it was a natural and ready conclusion from the conviction that our fire would repel the attack; that the troops should be so disposed as to give the greatest effect to our fire at the moment it was opened, hence, the peculiar disposition

which has attracted your notice. Your last inquiry, "why was an open angle exposed to the attack" involved the authority for the conviction that the charge would be checked by our fire. If that conviction was sufficiently well founded then the formation should have been governed solely by the inquiry how could the fire be rendered most effective; otherwise it was wrong to rely on a single line of two ranks. . . .

Jefferson Davis to Jomes Buchanan.

(From Pennsylvania Historical Society.)

Oakland Md. June 26 1859

To the President Dear Sir

I called at the executive mansion the day before leaving Washington (Friday) but found the Cabinet in session at a late hour, and was thus unable to pay my parting respects. Will you oblige me by sending the oration of Revd. G. W. French Chaplain at West Point, and which I left with you for perusal, to his address. He sent to me saying it was his only copy and requesting me to return it.

I will leave this evening for Missi, my family will remain

here.

Mr. French greatly desires that his son should be appointed a Cadet, and I should be much gratified if you would thus oblige him. His life has been spent in doing good, but his reward has not been of a kind to enable him to educate his Son as he desires. As you have however indicated to me the belief that my estimate of Mr. French is extravagant I will say no more of his merit and only hope that it may be found consistent to gratify the ardent wish of his Son to enter the military service of the country.

Very respectfully & truly your friend JEFFN: DAVIS.

His Excellency
Jas. Buchanan
Washington D. C.

Philip A. Roach to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Overland.

San Francisco, 27 June 1859.

Hon. Jeff. Davis,

[This column is written in]

Dear Col: I enclose list of Candidates and our platform.1

DEMOCRATIC STANDARD CHARLES T. BOTTS, EDITOR

[I mis condimit is written in]	
	SACRAMENTO:
Birth place	SATURDAY MORNING, JUNE 25.
	FOR GOVERNOR
Ohio (from Alabama)	MILTON S. LATHAM, of Sacramento.
(11011 111001110)	For Lieutenant Governor,
Ireland (from Mississippi).	
Tieland (Trom Mississippi).	J. G. Downey, of Los Angeles.
	FOR CONGRESS-NORTHERN DISTRICT,
Missouri	J. C. Burch, of Trinity.
	FOR CONGRESS-SOUTHERN DISTRICT,
Virginia	
8	FOR JUSTICE OF THE SUPREME COURT,
Kentucky	W W Cope of Amedor
Thomas of the second of the se	FOR ATTORNEY-GENERAL,
Vontueler	T. H. Williams, of El Dorado.
Ixenducky	
Tringinia	FOR CLERK OF THE SUPREME COURT,
Virginia	
D	FOR STATE TREASURER,
Penn	T. Findley, of Placer.
	FOR CONTROLLER OF STATE,
Virginia	S. H. Brooks, of San Francisco.
	For Surveyor-General,
Florida	H. A. Higley, of Sacramento.
	FOR SUPERINTENDENT OF PUBLIC INSTRUCTION,
	A. J. Moulder, of San Francisco
	FOR STATE PRINTER,
Virginia	C. T. Botts, of Sacramento.
	,

EVENING SESSION.

The Chair called the Convention to order at half past eight o'clock and announced the first business in order this evening to be the Report of the Committee on Resolutions.

Mr. Ryland, Chairman of that Committee, said that the resolutions are ready to report: and from the unanimity with which these resolutions were adopted, I am satisfied that we have got a platform which will be satisfactory. It is a platform on which the nominees of the Convention will be able to stand and demolish both wings of the Republican party. Immense applause.

Mr. Ryland then read the resolutions as follows:

1st. Resolved, The Democracy of California in Convention assembled, again reiterate their firm determination to stand by, and maintain in all

¹ Clippings appended to Roach to Davis, June 27, 1859.

their integrity, the wise, just and liberal principles announced in the Cin-

cinnati Platform by the Democratic party of the Union.
2d. Resolved, That the organized Territories of the United States, although not endorsed with all the attributes of sovereignty are yet justly entitled to the right of self-government, and the undisturbed regulation of their domestic and local affairs, subject to the Constitution of the United States, and that any attempt by Congress, or any of the States, to establish or maintain, prohibit or abolish the relation of master and slave in a Territory, would be a departure from the original doctrine of our American institutions, and that we adhere immovably to the principle of "nonintervention'' by Congress, with slavery in the States and Territories, as declared in the ''Kansas Nebraska Bill,'' and openly disclaim fellowship with those, whether at the South, the North, or the West, who counsel the abandonment, limitation, or avoidance of that principle.

3d. Resolved, That the vigor and efficiency of the present Democratic Administration, manifested in the adjustment of our difficulties with Great Britain, in regard to the right of search, in the prompt and successful redress of wrongs inflicted upon us by the Government of Paraguay, the decisive suppression of the rebellion in Utah, in the enforcement of the neutrality laws, in the impartial execution of the Acts of Congress for the suppression of the African slave trade, and for the rendition of fugitive slaves, command our cordial approbation, and we have full confidence in its ability and inclination, to protect the rights of our citizens

and uphold the honor of our flag.

4th. Resolved, That the Republican party of the State of Massachusetts have, by incorporating in their Constitution a provision requiring of the naturalized citizen a residence of two years after naturalization, in order to enjoy the right of suffrage or the privilege of holding office, and yet at the same time allowing those privileges even to the fugitive slave upon a residence of one year, attempted to degrade the foreign white man below the level of the negro and the mulatto, and that we, the Democracy of California, utterly repudiate such infamous doctrine.

5th. Resolved, That the persistent effort to fix upon the National Democracy the stigma of a design to legislate through Congress a "Slave Code" for the Territories, is but a desperate trick of unprincipled and renegade politicians to direct popular attention from their own base and disorganiz-

6th. Resolved, That we deem the speedy construction of the "Pacific Railroad" a National necessity, and again earnestly urge upon Congress

and the States the duty of co-operation fo[r] that purpose.

7th. Resolved, That it is the duty of the General Government to stand by, and sustain the Overland Mails so successfully put in operation by a

Democratic Administration.

Resolved, That the Democracy of California again tender to the Administration of James Buchanan our renewed pledge of support in maintaining the honor of the Union, at home and abroad.

Resolved, That we again extend to the present Democratic Administration of this State, our most cordial and unqualified approval.

> C. T. RYLAND, Chairman. W. S. LONG C. J. LANSING

WM. S. WELLS P. H. HARRIS

R. M. ANDERSON CHARLES LINDLEY JOSEPH P. HOGE

O. C. HALL

A. FRENCH D. P. DURST

L. R. BRADLEY

The latter is mild; upon it however, we have many fire-eating men as you will note by their places of nativity. We can elect our ticket over united opposition. If Broderick and Republicans do not coalesce we can beat either 20,000. Weller was defeated by a combination. But in return we obtained revenge by nominating both members of Congress. In our convention were many not fully weaned from Broderickism—the platform exhibits that—

With esteem,
Your obt servt.
PHILIP A. ROACH

[Indorsed:

1859 Roach to Col. Davis San Francisco 27 June Nominations & Platform.]

William A. Buck to Jefferson Davis.
(From the Library of Congress, Manuscripts Division.)

Per Mail

MOBILE July 2/59

Hon. Jeff. Davis Washington D. C.

Dr Sir

I am to day in receipt of your very satisfactory letter of 21st ult.

Please accept my thanks for it, & my earnest wishes for your perfect restoration to good health & consequent usefulness—

"Alas! for the day when we will be deprived of the counsels of Jeff. Davis" is the language of a multitude.

I remain with much respect,

Your Very Obt Svt Wm A Buck

[Indorsed: Wm A. Buck].

Speech of Jefferson Davis before the Democratic State Convention at Jackson, Miss., July 6, 1859.

(From NEW YORK DAILY TRIBUNE, Wednesday, August 31, 1859.)

My Friends:

Again it has been granted to me to mingle with you in the periodical reunion of our political family; again to look upon the well-remembered faces associated with the memory of so many

struggles for the cause of Democracy, sacred to us as the cause of truth and of our country.

Accustomed, as a Representative of the State, most frequently to address those who listen with purpose to controvert, if not to misinterpret, it is a grateful privilege to exchange opinions with those who have a common sympathy and from whose opposition one can but expect the correction of error, until final agreement is reached by the establishment of truth.

The occasion, the circumstances, and the hearty greeting with which you welcome me home, bring to me such joy as the mariner may feel, when, his trials ended, his doubts and fears are resolved by seeing the smoke of his own cottage and the shadows of the trees which speak to his heart of affection and rest.

The purpose for which we were assembled has been achieved, and we are about to disperse each and all in their appropriate sphere to labor for the common good. You have chosen our standard-bearers not for their own, but for the public interest for Democracy regards government as the property of the people, and recognizes no proscriptive right to office. You have met the issues of the day as becomes a party whose characteristics are stability and progress. While the world is changing, and new relations, material and moral, are the result, you cannot stereotype a form of expression for your opinions; neither can the principles which are cternal and of universal application, be too often reasserted. To stand still, or to walk with retroverted eves, would ill become the genius of our age, and still less the condition of our country. It is ours to deal with the present, and look to the future, and it is only by walking out from the shadows of the past that its lights become available to our onward course. By the bold encounter of power and the arraignment of precedent, all the great victories have been won. The history of our predecessors furnishes both incentive and a chart. Had they listened to the counsel of "conservatism," and in view of the hazards of expansion and the mingling of different nations and languages in our Confederacy, Louisiana, and Florida. and California, had not been of us. Had they shrunk from the conflict with which monarchy threatened republicanism, the time-honored policy of "no entangling alliances" had not remained to us, but in lieu of it, we should have been under treaty stipulation forbidding us in any event to acquire the Island of Cuba. Your duty is two-fold-your responsibility is immeas-It is yours to maintain the Constitution, and to adapt it to the changes of time and of circumstance, that the purposes for which it was ordained may be realized by ourselves and posterity; it is yours to develop the institutions we inherited, to their greatest capacity; and your responsibility embraces all the hopes which depend upon the demonstration of man's capacity for self government.

For more than fifty years have Democratic principles prevailed in the administration of our Government. The fame, the prosperity, the growth and happiness of our country, attest the adaptation of our theory to a confederation of Free and Sovereign States. We have pride in the past, we have zeal for the present; may we not have hope for the future?

If I use the form of interrogation, it is not because I am prone to despair of the Republic, but because we are necessarily cognizant of the fact that the unity of the people of the States is disturbed by a sectional, fanatical hostility, as irrational as it is vicious. However well it may serve to fan the flame of local excitement, and to promote the personal ambition of an aspirant, the idea of incompatibility for the purposes of our Union because of different systems of labor in the States, is palpably absurd, and would be suicidal if the purpose avowed were attainable. Though the defense of African slavery (thus it is commonly called) is left to the South, the North are jointly benefited by it. Deduct from their trade and manufactures all which is dependent upon the products of slave labor, their prosperity would fade, and poverty would come upon them "as one that travaileth." Our fathers wisely saw harmony in diversity, and mutuality in the opposite character of the climate, population, and pursuits of the people in the different States. But to them the proposition was far less apparent than it is to us. A vast expansion of territory and the addition to the list of its productions of the great staples of our country's exports, have given to free trade between the States a value which could not have been fully anticipated. All of the necessities, and nearly all of the luxuries of life, are now produced within the limits of the United States, and exchanged for each other without other charge than the cost of transportation. The day, I hope, is not distant, when by the acquisition of tropical territory, we shall complete the circle of products.

What but fatuity could cause a commercial manufacturing people to overlook their advantage in such a relation as that which exists between the North and the South? Ours is an agricultural people, blessed with a fruitful soil and genial climate; the elements unite with man to render his labor profitable. We have, under these circumstances, no inducement to engage in a general competition with those who, for want of land and by

rigor of climate find in the workshops their only industrial employment. Stimulated by class legislation, and aided by taxes indirectly wrung from other pursuits, it has had a further extension than this-but I speak of its just and normal condition -such as will exist when, under the operation of equal laws, no other Federal tax shall be imposed upon the citizen than that which is necessary to enable the General Government to perform its delegated functions. That errors of theory and practice should occur in the administration of a system of government as novel and complex as ours, should not excite surprise; and the facility with which reform has from time to time been introduced, proves how complete are the compensating advantages of our new system. Errors of judgment, or from want of information, cannot destroy the principles of our Government, and of such it was truly said "they are never dangerous while reason is left free to combat them."

It is, however, otherwise when division is made on a geographical basis; and it has been our fortune to witness this last worst phase of political division. A party too powerful to be unheeded, and marked, as nations are distinguished, by territorial limits, is now organized for the destruction of the labor system of the South, and seeks to obtain possession of the General Government, that its machinery may be used in aid of their war upon our existence as a sovereign State.

Such would be the consequence of success in the nefarious object the pursuit of which they avow. Their movement has no longer the character of speculative philosophy. It is not the political division of a people because of different opinions upon matters of joint interest; but is in the nature of foreign war

waged for conquest and dominion.

So far as the abstract right to hold the African in bondage is concerned, we have cause to congratulate ourselves on the progress which within the last ten years truth and sound phi-

losophy have made.

Anterior to that time it had been the habit of Southern men to refuse to discuss a question of strictly domestic concernment with those who assumed to invade it. Thus, for a long period, error scattered her seeds broadcast over the land, while reason, in over-confidence, stood passive. The recent free discussion by the press, and on the forum, have dispelled delusions which had obscured the mind of a generation until even among ourselves it was more easy to find the apologist than the defender. The case is now so far reversed, that many Northern men have addressed themselves to the task of defending our constitutional

rights, on the ground of their justice; and there is not probably an intelligent mind among our own citizens who doubts either the moral or the legal right of the institution of African Slavery as it exists in our country.

It is not a little curious to note the fluctuations of English and American, of Northern and of Southern opinion, upon this subject.

During the colonial condition, Great Britain not only protected the slave-trade, but denied to the Colonies the right to prohibit the importation of negro slaves into their respective territory. Now she is the source of an agitation against the United States, because the descendants of the negroes so imported are held in bondage.

The Northern States once held slaves, and their acts of emancipation generally followed the transfer of the property to the Southern States; their people engaged in the importation of African slaves, and now persecute the South, though holding by purchase from them; and the sons of those who conducted the trade would throw upon us the task of defending their fathers from the charge of having been pirates and man-stealers.

It is not unfrequently asserted, and it has been effective in creating a prejudice against us, that slaveholders exercised an undue influence in the affairs of the General Government, as shown by the fact that their property had been specially favored by legislation. If the statement be innocently made it is surely erroneous, as a glance at our history will show it has been the subject of peculiar inhibition and obstruction, and has received less than the ordinary amount of protection by Government. In 1787, when Virginia, in a spirit of generosity, and to promote the formation of the Union, had ceded to the northwest, territory sufficient in extent and natural capacity for an empire, the Congress of the Confederation assumed to set the seal of its disapprobation on the institution of Slavery by excluding it from all that vast domain.

In the Convention which formed the Constitution, the opponents of African servitude, after having vainly sought for the General Government the power to prohibit the importation of slaves, succeeded in inserting a clause which has been construed as declaring such prohibition after 1808. In 1818, the Congress enacted a law which fixed penalties upon the importation of negro slaves, of such magnitude as exhibits not the purpose to exercise the power of commercial regulation, but to prohibit it as a species of commerce which should be destroyed. In 1820, the Congress, as the condition of admitting a slaveholding State,

carved out of territory to which by treaty were secured all the rights of person and property, prohibited the continuance of involuntary servitude in all that portion of the territory which lay exterior to and north of the State then admitted.

Call they it favor when the price demanded and paid for the enjoyment of an indisputable political right was the surrender of a right of property equally unquestionable, both resting on the basis of the Constitution, and fortified by the specific obligations of the treaty with France for the acquisition of the

territory?

In the same year, a period prolific of departures from the principles of our Government, the Congress, by legislative act, declared the slave-trade to be piracy, thus not only withholding from an American citizen who should engage in this trade the protection of his Government, but withdrawing from him the right to be tried under the laws and by the courts of his own land; pronounced him the enemy of mankind, and abandoned

him to the mercy of whomsoever should capture him.

This law is not to be confounded with that of 1818. They differ essentially in their effect; their policy, and the authority which must be relied on to maintain their validity. From the power to regulate commerce, to conduct foreign intercourse and to establish rules of naturalization, much may be drawn in relation to the migration or importation of persons. I am not prepared to deny that it may not extend to exclusion, yet as a general rule it would be more consonant with the genius of our Government and the rights of the States to leave the subject to the control of the several States, as a domestic interest, which each community can best decide for itself. There are few, if any, among us, who would admit that the General Government possesses that power to authorize the importation into a State of persons to whom admission was forbidden by the laws of that State. In this connection it deserves to be remembered that upon this point arose the early controversy between the State of Virginia and the General Government, and it will also be remembered that if viewed simply as a question of commerce, the Congress have no greater power over the foreign than over the inter-State trade.

But how stands the case in relation to the act of 1820, declaring the slave-trade to be piracy? From what clause of the Constitution is the authority for that act derived? It is commonly assigned, and I know of no other source, to the grant of power "to define and punish piracies, and felonies committed on the high seas, and offenses against the law of nations." To "define" is not to create or to give a new meaning; and to punish offenses against the law of nations is not authority to introduce a new article into the code. Conceding the power for justifiable reasons to exclude the importation of a particular class of persons, authority surely cannot be thence deduced to assume control over the trade of other nations, and by a police of the seas to destroy a trade between two foreign nations which is recognized by the laws of both; or to brand as nefarious a traffic which has existed from the earliest period of human his tory, and been conducted by nations which have most illustrated the annals of man. So great a departure from well-established policy and obvious principle suggests the inquiry by whom and for what purpose was it made? I have been satisfied that it was one of those departures which result from substituting a temporary expediency for immutable truth.

After the termination of the general wars which prevailed in the early part of this century, roving and adventurous men. accustomed to the hazards of military life, were thrown out of employment, and every sea on which there was the temptation of commerce became infested with pirates. Expelled elsewhere, they at last made a lodgment in the West Indies. About the time of the treaty for the transfer of Florida to the United States, an organized band seized the Island of Fernandina, and assumed to exercise dominion over it. They were understood to be pirates generally, and to be engaged in the slave-trade particularly. President Madison sent an expedition of naval and land forces to take possession of the island, and the Congress of the next year (1820) passed the act which declares the slavetrade to be piracy. There is reason to believe that this was done, not in hostility to slave property, but to the pirates who had engaged in the trade. The previous law had interdicted the importation into the United States, and there was no doubt also a purpose by the act of 1820 to render the prohibition of 1818 more effectual.

If consideration of public safety or interest warranted the termination of the trade, they could not justify the Government in branding as infamous the source from which the chief part of our laboring population was derived.

It is this feature of the law which makes it offensive to us, and stimulates us to strive for its repeal. What, let me ask, has been its result? It has magnified the horrors of the middle passage; it has led us to an alliance with Great Britain, by which we are bound to keep a naval squadron on the deadly coast of Africa, where American sailors are sacrificed to a foreign policy, urged

under the false plea of humanity; it has destroyed a lucrative trade for ivory, oil and gold-dust, which our merchants had long conducted with the inhabitants of the coast, and transferred it to our commercial rivals, the British. Truly have we gone "out a shearing to come home shorn." The manner, as I have been informed, in which our trade has been destroyed, is generally this: An American vessel of the character which engages in that trade, when boarded by a British cruiser on the coast of Africa, if she shows the flag and papers of an American trader, will be turned over to a vessel of our squadron, and probably be sent home for trial as pirates, but if her flag and papers are thrown overboard, then, the slave-trade not being piracy by the law of nations (notwithstanding our statute), the vessel is held as the prize of her captors, and the officers and crew are discharged. A recent instance has occurred in which a vessel sent home for trial was discharged on the ground that the circumstances did not warrant the conclusion that she visited the coast of Africa to engage in the slave-trade.

My friend Senator Clay of Alabama (his services entitle him to the friendship of the South), as Chairman of the Committee of Commerce, instituted, at the last session of Congress, an inquiry into the facts connected with the maintenance of our squadron on the coast of Africa, and I hope his energy and ability may lead to the annulment of a treaty which has been

productive only of evil.

Before leaving this question it may be proper to notice the fact that the argument drawn from the language of the Constitution, that its framers understood the Government to have power to prohibit the trade and only restricted for a time its exercise, is subject to all the deductions made by the amendments to the instrument, and the mode of its exercise to all the restrictions contained in it. The broad and earliest distinction between the Federalists and the Republicans, was that the former were for the Constitution as formed, and the latter for the Constitution as amended. Indeed, we have reason to believe that but for the assurance that amendments would be adopted, the Republicans would have rejected the Constitution. One of those amendments declared that the powers not delegated to the United States, nor prohibited to the States, were reserved to the States respectively, or to the people. It is under this clause that we have claimed the duty of the General Government to show a specific grant for every power it assumes to exercise, and have required that laws should be needful and proper to the performance of the function, such being the defined purpose of the

grant of legislative power. Another of those amendments restrains the General Government from imposing excessive fines or inflicting cruel and unusual punishments.

If I have succeeded in showing that the act of 1820 was not authorized by any express grant of the Constitution, the first amendment cited is sufficient; but if I have failed in this, then does not the second amendment stand in bar of that enactment? A decision of this question by the Supreme Court, might, if possible render doubly absurd the rant of those who term an infraction of that statute treason, and thus commit no piracy, but "murder of the king's English."

Regarding the slave-trade as sanctioned by the immemorial usage of mankind, as a commerce recognized by the Constitution, but which, from motives of internal policy, it was thought proper to prohibit, and conceding that sufficient power for that purpose existed in the General Government, it may well be asked whether the fine of the act of 1818 is not excessive—whether the penalty of both fine and imprisonment does not so far exceed the offense as, at least, to be impolitic. In our land of liberty and jury trials, laws to be efficient, must not violate the settled, well-considered public opinion, nor go so far between the legitimate object as to wear the semblance of vindictive pursuit lest they thus excite the heart of a generous people to sympathy with the offender. It will be a sad day for our Government, and for the public morals, when unwise legislation shall drive Juries to the practical nullification of laws.

I have said that I would prefer to leave the subject of the importation of African slaves to the States respectively; but viewing it as utterly impracticable to obtain the repeal of the act of 1818, so as to reopen the African slave-trade, it is perhaps needless to speak of the case which would arise in such contingency. Yet, as my purpose is the freest interchange of opinions, I will say that in such event, the State being left free from any Congressional intervention on the subject, my policy would be to maintain the existing law of Mississippi, which was designed, and would no doubt be effective, to prevent the importation of Africans into the limits of our State. Let no one, however, suppose that this indicates any coincidence of opinion with those who prate of the inhumanity and sinfulness of the trade. No consequence which would justify such denunciation can flow from the transfer of a slave from a savage to a Christian master. It is not the interest of the African, but of Mississippi, which dictates my conclusion. Her place in history, her rank among the States, her power to maintain constitutional and natural rights, depend upon her people-the free, intelligent,

high-minded sons of the governing race.

Her arm is no doubt strengthened by the presence of a due proportion of the servile caste, but it might be paralyzed by such an influx as would probably follow if the gates of the African slave-market were thrown open to the present wealth, enterprise and staple stimulants of the State. I would prefer a policy which would promote the more equal distribution of those we now have.

This conclusion in relation to Mississippi, is based upon my view of her present condition, not upon any general theory. For instance, it is not supposed to be applicable to Texas, to New Mexico, or to any future acquisitions to be made south of the Rio Grande.

All of these are countries which can only be developed by slave labor in some of its forms, and which, with a sufficient supply of African slaves, would be made tributary to the great mission of the United States, to feed the hungry, to clothe the naked, and

to establish peace and free trade with all mankind.

The demand for cotton increases more rapidly than the supply. A freer trade with China, adding the consumption of which her three hundred millions of people are capable, will, in a few years, require an increase of production, which can only be met by additional supply of laborers. Where are they to be obtained? If Negrophilism seeks to substitute the China or India man for the African, it will but neglect the lessons of experience, and uselessly repeat the cruelties for the suppression of which the African was originally imported into America. I am stating on this subject facts familiar to you, conclusions confirmed by your everyday observation, but which are denied by those who are not practically acquainted with the cultivation of our staples, the influence of the climate suited to their growth, or the characteristics of the negro race, and continue to assert that our system of labor is unnecessary, because those crops could as well be produced by white and free negro laborers. What can better show their unfitness to legislate on this subject of domestic interest? What more fully justify the propriety of leaving the importation of laborers to be regulated by State legislation, according to a policy to be determined by those who can best understand it, and on whom its consequences must fall?

With this general indication of my view, I leave this branch of the subject to the time when, if ever, it may become a practical question, and then will discuss it with those true friends of the South who differ from me, with the respect which I have for their judgment, the confidence I have in their honorable motives, and the difference with which I would on any occasion

oppose my opinion to theirs.

It was said of the members of a once powerful family which gave kings to Europe, that they "learned nothing and forgot nothing." If we credit the anti-slavery agitators with sincerity, such would seem to be their condition. Though investigation and experience have disproved the assertions and refuted the theories on which their movement commenced, they neither learn the correction nor forget exploded errors unsubstantially founded upon the popular phrases which they have brought into disrepute by constant misapplication. A declaration of rights made by bodies politic is construed as an essay upon the individual relations of man to man. Arguing to their own satisfaction for the unity in origin of the races of man, they draw thence the conclusion of his present equality. If the premises be correct, the conclusion is surely a non sequitur, and the student of facts as they exist in our time will not be disturbed in his inquiries. As to him, it matters not whether Almighty power and wisdom stamped diversity on the races of men at the period of the creation, or decreed it after the subsidence of the flood. It is enough for us that the Creator, speaking through the inspired lips of Noah, declared the destiny of the three races of men. Around and about us is the remarkable fulfilment of the prophecy, the execution of the decree, and the justification of our literal construction of the text.

The judgments of God are not as those of man. To the former all things are accommodated, and the fate of the subject is thereby his nature, but the victim of man's decree rebels and

struggles against his condition.

When the Spaniards discovered this continent and reduced the sons of Shem to bondage, unsuited to that condition they pined and rapidly wasted away in unproductive labor. The good Bishop Las Casas with philosophical humanity inaugurated the importation of the race of Ham; they came to relieve from an unnatural state the dwellers in tents, and to fulfill their own destiny, that of being the "servant of servants." In their normal condition, they thrived and by their labor the land was subdued and made fruitful. The West India Islands became marvels for their productiveness and so continued until man assuming to reverse the working of nature's laws gave to the black a boon he could utilize or estimate save as it brought to him slothful or vicious indulgence, and thus remanding him to barbarism robbed him of the plenty, the comfort and the civiliza-

tion with which in servitude he was blessed. Reckless, indeed, must that man be who in the face of the results which have followed negro emancipation in the West Indies and Hispano America would seek under similar circumstances to repeat the experiment.

It is a common and natural mistake to attribute to others the sentiments and feelings which move ourselves, but this is only excusable as the basis of political action, in the absence of more The history of man traced back to the period reliable data. which has left none other than pictorial records, exhibits the negro in all times as the subservient race. No where has he shown capacity to found civil government. At no time has he asserted his equality by separating himself from the master race, to establish an independent community of his own. In the Northern States where a false sentiment has prevailed, and the greatest efforts have been made by enthusiasts to raise the negro to social equality, he is still subjected to such odious discriminations, as persons fit to be free would not for a day voluntarily endure. For far less cause the Puritans embarked for the inhospitable shores of New England, and the Huguenots penetrated the swamps of Carolina, with no sustaining hand to aid and to guide them. The world bears witness to the triumphs which both have achieved.

How stands the case of the negro, in the non-slave-holding States? Free to go in advance of settlement, into the wilderness of the West, and there to found a colony of their own, exempt from the inferiority they must ever experience while in contact with the white man, they have continued to hang about the towns and cities, and generally to gain their subsistence by menial service to the white race.

But speculative philanthropy imagined that if a colony were established in the land of his forefathers, the African would there exhibit his capacity for self-government. With this view, in 1816, a Colonization Society was formed. Its purpose was the transfer of the free blacks from the United States to the coast of Africa, and the benign promise was the diffusion among their barbarian brethren of the civilization and Christianity which these colonists had acquired through servitude in America.

The experiment was made under the most favorable circumstances. The colonists had been trained to industry and order, and were, it must be inferred from the circumstances, of the best class of their race. The Society embraced in its lists of members many of the first men of our country, and the zeal with which their purpose was pursued would have won success if it

had been attainable. Munificent donations by individuals, liberal aid by the churches, heavy expenditures by the general Government have buoyed this colony up from its infancy to the present day. What have been the results? Upon the authority of a seemingly friendly and fair writer giving an account of Liberia as he found it, it appears that in 1858, thirty-eight years after its first settlement, the whole population was less than the number of emigrants by thirty-three per cent. That they have few domestic animals; that the great body of the Liberians do not obtain a supply of animal food sufficient for daily use, that in a country well-suited to agriculture more than half of the inhabitants are living on quarter-acre lots: that the natives or wild Africans do the work of beasts of burden: that the colonists import a large part of their subsistence which is paid for by trade with the natives, toward whom no feeling of common brotherhood is evinced; that Liberia called in all gravity a Republic "may be said to live by the labor (and on the alms) of foreigners."

Is it kindness, is it charity, is it sound policy, to transfer a useful and happy body of laborers from the protection of our laws, and the benefit of our civilization, that they may possess a liberty they cannot enjoy, suffer a privation for which to them no political privilege is an adequate compensation, and finally when left to themselves lapse into the barbarism of their ancestors? If to this view, it is objected that the reasoning does not embrace the condition of those who have a worthless population of free negroes among them, I can only reply that the difference of view depends upon the standpoint, and that such answer to my argument vindicates our institution of African bondage from the assaults which have been made upon it, by proving that the good of society requires that the negro should be kept in his normal condition.

A British Minister to the United States, when some years since writing to an agent in Central America, said that Slavery constituted the only question in the politics of the United States. It was, and is, most unfortunately, near to the truth. The seed sent out from Exeter Hall found congenial soil in the Northern States, and has produced embarrassments and controversies more fatal to the peace and progress of the United States than would have been a quadrennial war with a foreign power.

In your resolution you have asserted the right to protection by the General Government, for the property of citizens of the several States who may settle on the common domain, the territory of the United States. As a consequence of the equality of the States, and the correlation of allegiance and protection, your

proposition would seem too clear for argument.

Nor, indeed, has it been denied, except in view of the performance of the duty toward one kind of property, and it is hazarding little to foretell that your resolution, though general in its terms, will be construed as having a single application to property in slaves.

Thus a like proposition was treated in the Congressional debate of 1850 on the so-called compromise measures. It is not my purpose to review generally the objections heretofore stated to that legislation. Mississippi decided to acquiesce in it, and her judgment was final on her citizens to the extent of all which was a matter of volition. Opinion is not the creature of will, and mine remains unchanged, though my action has conformed to my allegiance.

I will merely refer to that part of the legislation which specially bears upon the subject now under consideration.

In the bill reported for the organization of the Territory of New Mexico, there was a general grant of legislative power, with a reservation that no law should be passed "in respect to African Slavery." Believing that this was an inhibition against the enactment by the Territorial Legislature of any law for the protection of that species of property, and but too fully apprized that the reservation was not made with intent to afford such protection by Congressional enactment, I proposed to amend the bill by striking out the restraint against legislation "in respect to African Slavery," and inserting a prohibition against the enactment of any law which would interfere "with those rights of property growing out of the institution of African Slavery as it exists in any of the States of this Union." In conformity to the views and wishes of some Southern Senators, the amendment was several times modified so as finally to present the general proposition that the Territorial Legislature should not be prevented from passing the laws necessary for the protection of the rights of property of every kind which might be legally and constitutionally held in that Territory. In this general form the proposition was brought to a vote, and defeated. veneration for the decree of a Mexican Dictator which withheld an acknowledgment of the supremacy of the Constitution, or was it hate of the South, which caused a majority thus tenaciously to preserve the decree of a Government which obstructed the equal enjoyment by all citizens of the United States of the property held by joint tenure, and won by their common toil, blood, and treasure?

At a subsequent period, the bill was amended, on the motion of Mr. Berrien of Georgia, by striking out the words "in respect to African Slavery," and inserting a provision to restrain the Territorial Legislature from "establishing or prohibiting African Slavery." In that dark period for Southern rights, we should not probably have gained even that much, but for the conviction on the part of the majority that slave property was sufficiently excluded by the "lex loci" of Mexico, and would require legislation to establish it.

Though defeated on that occasion, Southern rights gained much by the discussion. The victory of error is but for a day;

the vigor of truth is eternal.

When the same question arose again in 1854, on the bill for the organization of Kansas and Nebraska, the original draft was modified so as to declare that the Constitution should have the same force and effect in those Territories as elsewhere in the United States, and the obstruction to the enjoyment in that Territory of equal rights by the citizens of the Southern States, known as the Missouri Compromise, was swept from the statute book, which was the legitimate consequence of the refusal to extend that line to the Pacific through the Territories acquired from Mexico. What were our constitutional rights in the Territories, remained an open question, being designedly left for judicial decision.

Thanks to the care of our fathers for the rights of minorities, an umpire was provided for such controversies, which, removed from the influence of popular excitement, and the power of political parties, was left free to discriminate between truth and error, and, without fear or favor, to do justice. That umpire has decided the issue in our favor; and, though placemen may evade, and fanatics rail, the judgment stands the rule of right, and claims the respect and obedience of every citizen of the United States.

But now, when the matter in controversy which has so long impeded and prevented the action of Congress has been finally decided according to the provisions of our fundamental law, there are those who seek to revive the controversy by indirection and deny the obligation of the General Government to give efficacy to constitutional rights which have been established beyond the limits of legitimate denial. What could be meaner than the reply to our demand for adequate protection—though you have gained the suit in the issue we joined and in the manner agreed upon, yet we cannot consent that you should have what-

ever remedies are needful to secure the future enjoyment of the

right you have established!

The Government which withholds all practicable and rightful protection to its citizens forfeits its claim to allegiance and support. To establish justice, insure domestic tranquillity, and provide for the common defense, were the great purposes for which our Union was formed. It was in the discharge of these great duties, which he who swears to defend the Constitution may find declared in its preamble, that we waged the war of 1812. To protect our merchantmen from detention and search upon the high seas, and to defend our citizens, native and naturalized, from impressment, we inscribed on our banner "Free Trade and Sailors' Rights," and all unprepared as we were, threw the wager of battle to the mistress of the seas.

In your resolutions, you have well denied that we are estopped from demanding protection by acquiescence in the doctrine of non-intervention with the institution of Slavery in the States, Territories, or District of Columbia. I will not undertake to define the new doctrine of "non-intervention"; shadowy and variable, it may be classed with what a preacher termed the third division of his subject, that of which he knew nothing, and which his hearers could not possibly understand. It may be assumed that if the interpretation which you now deny had been sent with the proposition to the people of Mississippi, they never

would have acquiesced in it.

The doctrine had its origin in worthy motives, and was used for a good purpose, to check the fanaticism which strove for hostile legislation—what is commonly called the "Wilmot Proviso." Though a feeble barrier, it was, perhaps, not wholly useless, and may have served to gain the time necessary for the people to reflect and to rally. But he stultifies himself who appeals to the legislation of 1850 to sustain this modern construction, which denies the right of Congress to do anything in relation to slave property, either in the Territories, States, or District of Columbia. Among those measures, called the Compromise, there was one which, on the plea of an unsettled question of boundary, transferred territory from the slaveholding laws of Texas to those of New Mexico; another to give to the Supreme Court of New Mexico an appeal in all cases involving titles to slaves, though the amount should not be equal to that which was required in other cases; another to give a more efficacious remedy for the recovery of fugitive slaves found within the limits of the States; another which affixed emancipation of the slave as a penalty upon the owner who should bring him into the District of Columbia, and there keep him, with intent to sell him at some future time, and at some other place. It needed not this recent evasion to make me feel the offense of the last-cited act. In other times and places I have said hard and thought harder things of those who thus outraged our equality in the neutral territory ceded for the seat of a common Government. From such non-intervention we might pray to be delivered.

If the question were fairly submitted to the intelligent minds, in any portion of our country, Shall the General Government have the means which will enable it to give adequate protection to person and property of American citizens on the high seas, and wherever on land it has jurisdiction, I will not doubt what the answer would be. And this confidence is felt even by those who adopt delusive phrases to excite to prejudice; such as the adoption "of a slave code by Congress," "to force Slavery on an unwilling people"; and others as unfounded in fact.

Our assertion of a right to protection does not necessarily involve the enactment of additional laws, nor would any laws

give security, unless they were honestly administered.

The position so long held by the South, that the Constitution, as the supreme law of the land, extended to the Territories, and as it recognized property in slaves, so authorized their introduction into the Territories-the common domain of the United States—has been affirmed by the Supreme Court. The decree or public-not municipal-law which inhibited Slavery in all the territory acquired from Mexico was therefore repealed by its transfer to the jurisdiction of the United States; but, if the rules of proceeding remain unchanged, then all the remedies of the civil law would be available for the protection of property in slaves, or if the language of the organic act, by specifying chancery and common law jurisdiction, denies to us the more ample remedies of the civil law, then those known to the common law are certainly in force; and these, I have been assured by the highest authority, will be found sufficient. If this be so, then we are content. If it should prove otherwise, then we but ask what justice cannot deny, the legislation needful to enable the General Government to perform its legitimate functions; and in the meantime we deny the power of Congress to abridge or destroy our constitutional rights; or of the Territorial Legislature to obstruct the common law of the United States.

If this be the position which it is sought to render odious by charging us with a wish to obtain from Congress the enactment of "a slave code," the abuse of language is palpable; but if it be intended by the use of that phrase to ascribe to us a purpose to ask of Congress the formation of police regulations for slaves in the Territories; by general law to regulate patrols, passes, treatment and general discipline of slaves, you know it to be utterly unfounded and must deem it absurd.

It has been so long the habit to speak of African Slavery as an evil only to be excused because forced upon us, and now irremediable—so many well-meaning persons have confounded the policy of other times and circumstances with the obligations of morality, that it has come to pass that our property in the labor of Africans is regarded as an exception to the general obligation of the Government to protect; and hence the laws which have been enacted to restrain within prescribed limits a property which, by recognition of the Constitution, was placed upon the same footing throughout the United States as other property, the right to hold which is everywhere recognized by the common usage of mankind. We have been sometimes reminded that the word "Slavery" is not to be found in the Constitution, and it has been assumed to be evidence of hostility to that tenure of labor which is so denominated. A most illogical conclusion, in view of the fact that the Constitution treats of that condition not only as an existing right of property. but as an element in the future basis of representation in the General Government. A more rational deduction, from the avoidance of the term in an instrument so remarkable for the accuracy of the language employed, would be that the word was considered a misnomer. If to restrain the vagrant, the vicious, and the incompetent, the possession of liberty by whom would be dangerous to society and injurious to themselves, be Slavery, then all civil government might be arraigned for having established that condition, and from the work-houses, the penitentiaries, the reform-schools, and the asylums, a cloud of degraded and unfortunate witnesses could be brought to sustain the arraignment. But if it be said these were incarcerated after being adjudged to be lunatics, or for crimes whereof they had been duly convicted, may we not ask if it be philanthropy to expose a race, known to be unfit to take care of themselves, to trials beneath which they must generally sink, that in the fullness of time, and after being duly adjudged, they may end their days in the prison or the mad-house.

In each case the good of society is the object, and the justification is to be found in the adaptation of the means to the end. The difference of rule results from the different capacities of

the races; the exceptions in the one being those who are unfit for self-government; the exceptions in the other being those who are fit to be free.

It would be easy to show that our system for the control of an incompetent caste is in every respect better than would be a system of werk-houses, public-labor farms or reform-schools, as the permanent connection and interest of the master must induce to a discipline more parental than would be that of the constable or superintendent having but a temporary and official relation.

But I have already dwelt so long upon this subject that it may be asked why thus fully discuss questions on which there can be no difference in conclusion between myself and those whom I address? To such inquiry my answer would be, we have need not only to be assured to be justified, and it is a duty we owe to our ancestors, to ourselves and to posterity to vindicate our institutions from unjust reproach. To be right both in conscience and in the estimation of others is to be strong. From the time when, in vain reliance on the strength which unity of people and of language gave, impious man attempted on the plain of Shinar to defy the power of his Creator and was confounded and dispersed, never has there been any permanent prosperity which did not rest on the basis of virtue. What then is more befitting a fraternal conference like this, than the freest examination of the truths on which we rest our defense before the tribunal of posterity, and claim the alliance of the patriotic and the just of our own generation?

In the maintenance of our rights and the vindication of our institutions the most unequal contests are in the United States House of Representatives, and we have cause to congratulate ourselves on the ability, the fidelity and harmonious cooperation

of our members.

Undaunted by numbers, unmoved by the personal considerations so productive of defection, they have met every issue as

became Mississippians. Could I say more?

Your resolution in favor of the acquisition of Cuba is a gratifying indorsement of the position which your delegation in Congress has taken. It is placed on the ground of a commercial and political necessity, which in the event of its transfer to any foreign power would become absolute—a consideration as broad as the Union, a motive as free from sectional or partisan taint as the spirit in which the Constitution was ordained and established. Untruly it has been argued that the annexation of Cuba is sought for the exclusive benefit of the South; but if it were

so, and it could not be shown that our advantage would be the injury of other portions of the Union, how could the fact justify opposition, if we remain what our fathers left us—people united for the common welfare.

Before proceeding to the consideration of the subject in the national aspect in which you have presented it, permit me briefly to notice it in its sectional relation. And here let me say I have no word of unkind criticism for those Southern men who oppose acquisition from the belief that it would be injurious to our section. There is much force in the objection that the abolition of the slave-trade as the consequence of annexation, and the greater profits from slave labor in the island than in the more northern of the slave-holding States, would lead to such sale and transfer to the island as would soon render those States non-slave-holding, and that thus our political

power in the Union would be diminished.

The question of acquisition has to us three phases. The first belongs to the condition of harmony among the States and the people, which would insure a fair administration by the General Government of all its delegated powers, and a due regard for all our constitutional rights; to that case the balance-of-power argument would not apply, as it presupposes a case in which a sectional division could not exist. The second is that of continuance in bickering and sectional strife, so that the Government shall be rendered unable to perform its proper functions and be driven onward by an aggressive majority to interference in things with which it has no rightful connection. In that case any loss of political power which would serve to restrain from usurpation must surely be deprecated. But the end, regret it as we may, the inevitable end of continuance in such hostility between the States must be their separation. brings me to the third and last phase of the question-the importance of the Island of Cuba to the Southern States if formed into a separate Confederacy. The commercial considerations in this would probably be less important than in the first phase of the question, but the political necessity would be paramount. and the possession would be indispensable.

Viewed in its various relations to our section, I reach the conclusion that from the acquisition of Cuba the South has no injury to apprehend which should deter her from using all proper means for its accomplishment. What means will be proper will depend upon circumstances as they arise. But here let me say no acquisition, however desirable, could induce me to consent to see the bright escutcheon of the United States

tarnished by one act of rapine. What American does not feel proud of his ability to point to the record of our national existence as not containing a page on which is recorded a war waged for aggrandizement, a town sacked or given to pillage. or of all our vast acquisition of territory one acre which is held by the title of conquest? Whatever our future necessities may exact, or coming eventualities justify, posterity cannot fail to approve the forbearance of the United States in leaving so long and under so many provocations so weak and distant Government in possession of the gate which commands the great Valley of the Mississippi, destined to be, if it has not already become, the center of agricultural empire, and the source of our most valuable exports.

It will be remembered that at the last session of Congress the President recommended the acquisition of Cuba, and a bill was introduced into the Senate to appropriate thirty millions of dollars in aid of that object. It is to be regretted that the vote was not taken on the bill; there is little doubt that after some amendment it would have passed the Senate, and though it should not have been acted on in the House, the moral effect of its passage by the treaty-ratifying body would greatly have

fortified the executive power of negotiation.

The Opposition as usual inveighed against Slavery, and assumed that its extension was the object of the proposed acquisition. Seldom have the advantages of a great measure been so general and so equally balanced between the sections, the pecu-

niary benefits being almost exclusively to the North.

That the presence of slaves in the island made it more desirable to me, I will not deny. The cultivation of the island requires African labor, and the African as a rule will only work in the condition of servitude. Thus the presence of slaves increases the value of the island, and so much the more as the number in the United States would not enable us to supply the requisite amount of labor. It was also true as one of the minority section that I desired to increase the number of slave-holding constituencies; but so far from its being the only object, the measure rested on other and distinct grounds.

Some also objected to the incorporation of people different in race and different in religion; a position which rested upon two fallacies; one, that because speaking a different language they were of a different race; and the other that an established religion in the United States made it objectionable to add a population holding another creed.

Much horror was also manifested lest the President should

use the appropriation to corrupt the Government of Spain. How practicable that may be I will not pretend to judge, but granting the functionaries to be so pure and simple minded as to require the guardianship of our Congress, the long and distinguished service, the high position and character of the President, and the no less eminent and worthy Secretary of State, might have shielded them from such suspicion.

But there is a class of men skillful to a proverb as detectives, and the arraignment of others is a cheap coin in which to pay

the debt of integrity.

Were there no uses other than those of bribery to which the money could be applied; were there no contingencies which might make it available; no circumstances in our own government which rendered it needful to give some assurance that a treaty if made would be ratified?

If the war now waged in Italy should involve the rest of Europe, and Spain, as the ally of France, should be brought into contact with England, as the ally of Austria, would there be no power to obtain the sinews of war for a distant colony, which even Spanish pride and obstinacy could not expect under such circumstances to hold? At home we should have an acquisition to make, one which might wake the spirit of the day when the knights of Spain were the noblest of Europe, and their highest prowess was displayed in the efforts to free their native land from the yoke of the infidel, a possession the loss of which shades the memory of the brightest achievements of her ancient renown. Gibraltar, one of the pillars of Hercules to the gate of the Mediterranean, was forcibly wrested from Spain more than a century and a half ago. Vainly has she attempted to retake it; and to the mortification of her pride, the detriment of her revenue, and the injury of her commerce and maritime power, the British flag still floats over it. Might she not give an island the value of which can be measured by money, to obtain the means which would enable her to recover a possession which must be to her priceless?

I have mentioned one, but there are other contingencies and inducements fully set forth in the Ostend Conference. Suffice it to say, I am not of those who consider negotiation hopeless as a means to acquire the island, and of all which can be contemplated, it is, in my judgment, the most proper, both in relation to our own reputation among the nations, and to the future condition of Cuba.

I have said that we did not found our policy as to this acquisition, on considerations of mere sectional advantage. We could

not ask the North to aid us in the accomplishment of the measure for such purpose. We would not listen to a counter proposition to acquire Canada, with a view to augment the power of the Northern States; and we should not expect or claim more than, under like circumstances, we would grant. Neither would our consciences sanction, or the civilized world approve of the seizure of the island merely because we wanted it. Higher motives, stronger reasons, must be adduced in the forum of conscience, and before the tribunal of nations. I will not weary you by the recapitulation of the long list, which is familiar to you, of precedents and provocations, but will only refer to the general basis on which the justice of our policy may be defended. To repel invasion, to secure intercourse between the States and to protect their commerce on the high seas, are duties of the General Government so universally admitted, that the right to employ all lawful means for their fulfillment requires no argument.

It remains, then, but to show that the occupation of Cuba is a necessary measure, and the right to employ for that purpose any of the delegated powers of the General Government follows as a consequence.

The channel of oceanic intercourse between the States of the Atlantic and those of the Gulf of Mexico, flows by and near to the Island of Cuba; and that between these States and those on the Pacific flows close to its Western end. From the Havana and Cape San Antonio, a few gunboats might keep watch and ward over all the vast and increasing commerce which pursues these channels. From the capacious and safe harbor of Havana, a hostile fleet might sail after the sun had set, and ere it rose be upon our coast. To guard against this imminent danger, the massive works of the Tortugas and Key West are now under construction. It is to forget the lessons of experience to hold that the weakness of Spain makes this an idle apprehension. Her weakness is the greatest source of our danger, because it makes her ports assailable to any powerful foe who may choose to use them in violation of the laws of neutrality. To prove this it is only requisite to mention the cases of Fayal and Valparaiso, and the seizure by French cruisers of American vessels in the neutral ports of Spain prior to the year 1800. If it were necessary to demonstrate by past events the importance, indeed the necessity, of the proximate ports of Cuba to a European fleet, making a hostile expedition against us, the descent upon Louisiana, and the more recent bombardment of Vera Cruz would furnish such testimony. It is clear that under such circumstances the neutrality of the ports of Cuba would be the condition most advantageous to the enemy, or, to express it other-

wise, injurious to us.

But there is another view in which the weakness of Spain, instead of being an argument to satisfy us with its present condition, is the reverse. It has exposed her to the intrusion of British reformers, threatening not merely to make it like their own Jamaica, unproductive, but to render it a dangerous neighbor to us. In 1841 it was proposed by convention between Great Britain and Spain, to institute a British Commission to inquire into the titles by which the slaves of Cuba were held. In 1843, 1851, and 1853, the proposition was further and regularly pressed upon Spain. In the Spring of the last named year, an agreement was made satisfactory to Great Britain, but with the exact terms of which we have not been made acquainted. It will, however, be remembered that about that time the tripartite treaty between England, France and Spain was entered into, and that upon the rejection by the Administration of President Pierce of the offer to make our Government a party to it, the British Minister to the United States was instructed by his Government to inform ours that Great Britain would thenceforth consider herself at entire liberty to act on any future occasion as to her might seem fit. If, as some have contended, there was a moral obligation resulting from an understanding between the United States and Great Britain, that they should mutually refrain from seeking to acquire Cuba, that obligation was dissolved by the notice given.

There is still another element in the moral question which remains to be considered. Though it should be shown ever so clearly to be the interest of the United States, and that no obstacle, either of domestic or foreign compact restrained us. still it would devolve upon us, in the absence of an absolute necessity, to show that injury would not be inflicted upon the inhabitants of the island, the other party about to be permanently and immediately affected. Any doubt on that point. it would seem, should have been solved by the standing threat to turn loose the slaves upon the people, by the frequent efforts at revolution, and the admitted necessity for force to maintain the Government, which is contained in the large military establishment, the rigid police regulations of the island, and the extraordinary provisions of the Governor, being at all times those which usually belong only to a state of siege. The natives of the island have no political power, are unrepresented in the Cortes, are excluded from the army and navy, not allowed to bear arms for their own defense, or peaceably to assemble for any purpose. Shut out from the avenues to distinction, the lofty aspiration of the youth must be smothered, as it is the fate of the patriot to stand between expatriation and the garrote, or in secret "o'er the ruin of his country to sigh."

When the world is banded to sustain prescriptive power against popular privilege, shall not we of the model republic be permitted to sympathize with our neighbors in their struggle for constitutional liberty, which, by our example, we have been accused of inciting? Shall we not, when the commerce of the world, the interest of the United States, and that of Cuba, combine to recommend it, be justified in seeking to carry out the most settled policy of the United States, that of expansion? Growth is the attendant of vigorous existence. In nations as in organic bodies, the suspension of that law is the unfailing evidence of decline.

There need be nothing wounding to the pride of Spain in our negotiation. The considerations to be offered would not necessarily be restricted to those of a pecuniary character. We have retaliatory statutes which discriminate against her mercantile marine; these could be abrogated. The trade of her colonies is relied on to sustain her naval power. For one, I would be willing to make her trade with all the ports of the United States as free as the winds and the waves which bear it.

But if all peaceful means should prove unavailing, then, whenever her island is about to become, in the hand of an enemy, dangerous to the United States, or whenever just cause for war shall be given by Spain, I say we should take possession of Cuba, using for that purpose a force so large as to admit of simultaneous debarkation at every important port, that resistance should be crushed by a single blow, and the fiendish threat to renew in Cuba the scenes of San Domingo be put to rest before its execution could be attempted.

That Great Britain, having by an ill-judged emancipation of her slaves, ruined her West India colonies, has sought to involve other slave-holding countries in the same fate, the acts of her statesmen sufficiently demonstrate. That her movements in relation to Cuba and other portions of tropical America have been prompted by hostility to the United States does not admit of a doubt. That wiser counsels and better feelings have recently prevailed there is reason to believe. What result will follow the recent change of Ministry remains to be seen.

In the meantime, the greatest evil which could have been inflicted upon us has been wrought—the perversion of the North-

ern mind, and, to no small extent, the alienation of the Northern

people, from the fraternity due to the South.

To this there are many exceptions, and I believe they are daily becoming more numerous. It would be impolitic, ungenerous, and unjust to include all our Northern brethren in a common censure, or withhold the tribute due to the gallant minority who, foot to foot and eye to eye, have, against overwhelming numbers, defended and upheld our character, our conduct and our rights. I said our character, for the vocabulary of Billingsgate has been enlarged to furnish epithets of abuse of the South, and the council-house of the nation has been used as a rostrum from which to scatter them.

Land of the South, the home and birthplace of Washington, and Jefferson, and Henry, and Madison, and Jackson, and Clay, and Calhoun, can pigmies look down upon your colossal sons? When witlings defame you should it excite more than the smile of derision or the feeling of contempt? Faithful in sunshine and in storm, through good and through evil report, your sons have set at the temple builded by their fathers; and if it shall ever be possessed by an unclean presence, from which they cannot expurgate it, then it will devolve upon them to construct another which shall not shame the example they emulate.

Our countrymen have two paths before them, either of which the majority of the States and of the people are free to choose. The one leads by the way of usurpation and tortuous construction, through discord and civil strife, to the destruction of this best hope of republican government. The other through peace and prosperity, by the perpetuity of the institutions we inherited, mounts to an eminence which looks down on a continent of equal sovereign, confederated States. We are near, I believe, to the point at which that selection is to be made. fathers feared the convulsion which the election of a President would produce. The next generation regarded the apprehension as unfounded; to us, its realization may be appointed, because to us it has been reserved to witness the organization of a party seeking the possession of the Government not for the common good, not for their own particular benefit, but as the means of executing a hostile purpose toward a portion of the States.

The success of such a party would indeed produce an "irrepressible conflict." To you would be presented the question, will you allow the constitutional Union to be changed into the despotism of a majority, will you become the subjects of a hostile Government, or will you, outside of the Union, assert the equality, the liberty and sovereignty to which you were born? For myself, I say, as I said on a former occasion, in the contingency of the election of a President on the platform of Mr. Seward's Rochester speech, let the Union be dissolved. Let the "great, but not the greatest of evils" come. For as did the great and good Calhoun, from whom is drawn that expression of value, I love and venerate the union of these States—but I love liberty and Mississippi more.

In this we but assert what we would expect the North to declare and maintain if the case were reversed. But could the converse of the proposition exist? Is there one of you who would support a Southern candidate for the Presidency, who avowed his purpose if elected to use the power of his office to crush or to assail a domestic institution of the Northern States? I pause not for an answer; the patriotism you have exhibited on every trying occasion renders a reply unnecessary. The question was but another form of stating an unquestionable fact. We claim nothing which can be rightfully withheld, and are willing to grant as much as we would demand.

Considering the next Presidential election, because of the circumstances and the distinctness of the issues as the line of breakers, which, if passed, would place us out of all immediate and prospective danger, how very small become all questions of personal preference? And this reminds me that the declaration made by me last Fall, and which was substantially the same as that made on this occasion, has been misrepresented as an announcement on my part, and with your approbation, of a desire to dissolve the Union if a Northern man should be next chosen for the Presidency! When have we ever drawn such narrow sectionality? Whose votes elected Pierce? Who came en masse to the more dubious contest of Buchanan? It is not for office we strive, but for principle and the ends of justice. Let our standard bearer be he who can carry it to victory: above all, let him be one who will conceal no part of its inscription, but throw its folds most freely to the wind when the storm blows hardest.

Future peace is our object, and this is only to be gained by the unequivocal decision of the issues fairly and distinctly joined.

We have nothing to retract, no new position to assume. Your attitude is the same as that taken in the central meeting and subsequent joint-party convention of 1849. You then asserted that the constitutional recognition and guaranty to slave property placed it beyond the power of Congress, and that the power

to legislate for the Territories was to protect the citizen and his property, not to declare what should be property; you then, as did the Legislature of the succeeding year, declared your devoted and cherished attachment to the Union, with the reservation that it should not be changed into an engine of oppression.

Misrepresentation has busily pursued you; but sooner or later, more speedily or slower, I have an abiding faith that truth will yet be vindicated in whole, as it has already been in part.

Sincerely do I pray that your sentiment of nationality may never have occasion to be less—that the national pride in being the citizen of a great country, whose flag is known and respected on every sea and on every land, may increase with in-

creasing years, and grow with growing strength.

I trust that a sanguine temperament does not mislead me to the belief that the mists of sectional prejudice are steadily though slowly floating away, and that a sad experience will not prove to have been delusive, the hope which now shows to me the breaking of a brighter dawn, which promises to our country a happier day than this. But it is the first ray in the east which bids us be up and doing, and the fate of the sluggard will be ours if the promise of success does not wake us to additional preparation, energy and effort.

My friends, I have detained you long, much longer than was intended, but permit me to add a few words in relation to the nominations which have been made. That they are all capable and well-deserving even their opponents must admit. That which endears them to us must be the only objection which any fair opponent can make to either of them, their unwavering and efficient advocacy of Democratic principles. The controversy for the nominations was of that painful character where defeat must create regret but victory could bring no triumph. All which can be said in favor of the successful candidates, can be equally said of the defeated. To me they are friends whose services are gratefully remembered, all, all dear to me for many and signal acts of kindness, which it can never be in my power to repay, or sufficiently to acknowledge. Of these, among the defeated, who were most ardently supported by their advocates, I venture to say they have already endorsed the nominations. and shoulder to shoulder with their Democratic brethren, will cordially, cheerfully move on in their support.

With the confidence, the affection and gratitude I feel but cannot express, I offer you my best wishes and bid you farewell.

W. H. Emory 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Camp on Gipsum Creek 70 miles East of Antelope Hills July 11 1859

My dear General

I left Arbuckle so suddenly I had not time to write & thank you for yr kind letter and action in the matter of this command. The orders reached me at Arbuckle after muster and before I had compared the rolls; yet it was necessary to leave the next day, to intercept the command, or to make a long chase with broken down animals. I am very glad Gov'. Floyd had nothing to do with the apparent slight to me. It lies between Scott and Sumner, as likely to be the last as the first. I find the expedition fitted out truly for the purpose stated "a summer camp at the Antelope Hills." Only two guides both incompetent and no pack saddles except such as were brought along by Capt Wood on his own responsibility: but the command is, in other respects in high order, and my only regret in the matter is the disappointment to Capt Sackett, who is an excellent gentleman and seems a little put out by the circumstance of my taking command.

I am obliged to keep a reconnoitring party ahead, to hunt for water, which delays the march some, in other respects we are getting on well. The Buffalo have all gone north for the season, and as the Comanches depend upon them for subsistence I fear we shall see none of the latter.

¹Emory, William Hernsley (1811-1887), an American soldier, was born in Poplar Grove, Queen Anne County, Md., September 9, 1811; was graduated from West Point in 1831; resigned September 30, 1836; was reappointed as 1st lieutenant, topographical engineers, July 7, 1837. He served on the staff of General Kearney during the Mexican War, was brevetted captain December 6, 1846, for bravery in the battle of San Pasquel, and major January 9, 1847, for gallantry in the battles of San Gabriel and the Plains of Mesa. He was a member of the commission appointed to run the boundary between Mexico and the United States; was promoted to the rank of captain April 24, 1851; was made major of the 2nd cavalry March 3, 1855, and a lieutenant colonel January 31, 1861. In the Civil War, having been made brigadier general U. S. Volunteers, March 17, 1862, he served under McClellan in the Peninsular campaign, commanded the 19th Corps under General Banks in the Red River expedition, 1864, and defeated Early at Opequan creek. He was promoted to the rank of major general of volunteers September 25, 1865, and retired July 1, 1876, with the rank of brigadier general. He died in Washington, D. C., December 1, 1887. Emory wrote the report on the United States and Mexican Boundary Survey, 2 vols., Washington, 1857-1859.

I send this in by express, and as one package is safer than two I take the liberty of cheating poor much abused Uncle Sam out of three cents by asking you to send the enclosed to my wife.

Present my kindest regards to Mrs. Davis and believe me very truly your friend

W. H. EMORY

Hon: Jeffⁿ Davis

Upon second thoughts, I determined not to trouble you with the enclosure to my wife. W.H.E.

[Indorsed: W. H. Emory.]

Ethel Barksdale to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Jackson July 18th 1859

My dear Sir;

The manuscript copy of your remarks has just been received I am glad that you have prepared them for the press. The desire to have them published is general, and I have received a number of letters requesting extra copies of the paper containing them, written under the belief that they would be given to the public. I am on the eve of leaving home, to be absent several days, and have placed the copy in the hands of the printer, so that the proof sheets may be ready for revision immediately on my return. The matter will have my best attention.

Wishing you return of health and continued prosperity,

I remain yours

very truly

E Barksdale

Hon. Jefferson Davis

(over)

P.S. The Agricultural Bureau, of which I am at present a member, have invited you to deliver an address at the Approaching State Fair in November. Owing to mismanagement, but not intentional neglect, the public was disappointed by not hearing you on Agricultural topics, at the last Fair. The invitation is renewed, and you must make your arrangements to comply with the wishes of the Bureau. Mr. Williams, the Sec., will address you officially on the subject.

EB

[Indorsed: E. Barksdale.]

Philip A. Roach to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

San Francisco, 19 July, 1859.

Hon. Jefferson Davis, Senate of the U. S.

Dear Col: Broderick and Gwin are stumping the State and before it ends each will say many bitter things of the other. In every way the Doctor will have the advantage, for his opponent cannot keep cool and gives way to violent impulses. In the course of the discussion the particulars of the Senatorial election may transpire. Weller is also on the Stump. With latter Gwin is exceedingly friendly and perhaps there will be no contest for them as to one or two future campaigns. Friends of both hint at the probability of one or the other being a candidate for the Vice Presidency. If the Doctor aspires to that position, he will not be in Weller's way for the Senate. If not, and Weller tries, he must stand aside for the Doctor.

Wellers defeat as Senator made him Gov. The defeat for latter position, for a renomination, may make him senator: or the favorite of this State for the Vice Presidency. A few days before the election we, Wellerites, had a sure thing: but the enemy captured us. I think however that W— is stronger than ever.

The election in Oregon is extremely doubtful and cannot be determined without official returns. The democratic candidate had been a K.N. and was only a new comer; while his opponent, the Republican had never been a K.N. and was a very old settler. It is said that this was a test of Lanes' strength for the Presidency. I think that Oregon is the worst case of State Manufacturing yet. Her area may be 160 thousand square miles—her population 55 thousand and her votes 10,500!!!— Kansas had far higher claims for admission. Douglass' Dow letter is hurting us very much, as he is now inside the party. We shall carry this State even altho' a fusion be perfected. Some of Brods' original nominees have withdrawn, and better men have taken their place. Their Candidate for Attorney General, Edmund Randolph, is one of the instances. In 1849, Randolph introduced into our Legislature, resolutions embodying principles of Nebraska Act, Platform 1856, and Dred Scott decision, see Journal of our Legislature. But R was a bosom friend of Wm Walkers and now acts with his former enemy in opposition to Buck. Randolph is a Lawyer of the highest and

most brilliant talents & a Virginian by birth. We are losing many men of note and workers. But a R. Road platform and candidate would capture them. I send you Dr. Gwins' speech.

With esteem,

PHILIP A ROACH,

Many thanks for the Public Documents [Indorsed: Roach, San Francisco, 19 July 1859, to Col Jeff. Davis; matter in California & Oregon.]

Overland.

San Francisco, 25 July, 1859

Hon. Jefferson Davis, Senate of the U. S.

Dear Col. I enclose extracts of speeches of Broderick & Gwin. The former in pursuing personal attacks on his opponents is following the course best suited to the interests of his party;—for it awakens old rivalries among old leading men who imagine that they were cheated in various by-gone contests.

A fight between G and B is looked upon as almost certain. B's friends, however, say that he will fight, but not until after

the election.

With esteem, Your obt. servt.

PHILIP A. ROACH

Ben Montgomery ? , a slave to Jefferson Davis.
(From the Library of Congress, Manuscripts Division.)

Hurricane 1 Aug 1 1859

Mas Jeff

Herewith I forward 2 letters one of which (I perceive from the handwriting) is from Mattin, I am therefore particularly anxious that it may find its way to you without delay.

We rec^d some also from them, & Mistress in her's to Mrs Godat speaks favorably of a Mr Mitchell of S. Carolina as having rendered them valuable service during their voige, She thinks the Gentleman an acquaintance of yours. We have had no rain since you left, the corn, consequently suffering. Stock

¹ The plantation of Jos. E. Davis, brother of Jefferson Davis.

doing well. Health of the people about as good as usual for the season. I suppose Mr Coe has informed you of the arrival of Julia Ann, apparently much improved.

Matters generally so far as I know about as when you left.

Your servt

BEN

[Indorsed: Ben Montgon].

Jefferson Davis to Franklin Pierce.

(From the Library of Congress, Manuscripts Division.)

Oakland, Alleghany Co. Md. Sept. 2, 1859

My dear friend,

I am rejoiced to know that you are again at home and to learn from your remarks at Boston that Mrs. Pierce is in better health. Your letter from England was not received until after the date on which you directed me to write to you at London. I consequently waited to hear further of your movements. We are here because of Mrs. Davis' feeble health. She has not been well since last winter and this place was selected because of mountain retreats it was the most accessible. I returned from Missi, near to the last of July and have been seriously ill, though now free of disease my strength has not been restored and there is therefore constant apprehension of a relapse. Please give our love to Mrs. Pierce and assure her of our constant solicitude and desire to see her. Maggie says she remembers you both and always loves you. Jeff. is nearly as large as Maggie and very stout. The infant (Joe) is more like Maggie than Jeff. I hope we shall have the satisfaction of submitting them all to your inspection at some future day and I will [not] trouble you now with a description, partial though it would naturally be. Will you make your once contemplated visit to the South, this winter?

In reference to your views of your political position I will say that, I do not think you are called upon to make any disclaimer in relation to the Charleston Convention. You would not under any circumstances seek the nomination and I hope you will not obstruct the wish of your friends should circumstances

indicate it to use your name for the nomination.

In Missi. I am sure you are preferred above all others. The reason is two-fold, first it is personal which includes attachment and confidence, second it arises from the fact that the

opposition to your Administration was of a kind which would make the issue between the Abolitionists and the friends of the Constitution as distinct as the most Ultra pro slavery man could render it, without the drawback which may be felt on account of the fiction just now prevalent that the South desire to reopen the African slave trade, and to enact a slave code by Congress, to be enforced in the Territories, by federal power. The decency and good sense of the people must revolt against the low chicanery by which the Presidency is sought by certain ambitious demagogues and the reaction will be favorable to a gentleman whose self respect and respect for the people have let him to withdraw from public notice, rather than obtrude himself upon the popular attention as a candidate for the Presidency. An office which you will doubtless agree with me can never be properly filled by one who has sought it in the mode and by the means known as electioneering.

Until we meet I will hope to hear from you often. Not knowing where to send this if you shall have left Boston I will request that it be ford, to you. With best wishes I am as ever

very truly yr friend

JEFFN: DAVIS

Excy. F. Pierce.
(endorsed) Jefferson Davis
Sept 6 — 59
Ansd

Albert Taylor Bledsoe 1 to Jefferson Davis.
(From the Library of Congress, Manuscripts Division.)

University of Va Nov. 12th 1859

Hon: Jefferson Davis, My dear Sir,

The bearer of this note, M^r. M. P. Abbott, intends to publish a large work on Slavery, & give it a wide circulation by means of agencies South & North. He can explain the plan of the

⁴Bledsoe, Albert Taylor (1809-1877), an educator, was born in Frankfort, Ky., November 9, 1809, graduated from West Point in 1830, and served on the frontier until his resignation from the army in 1832. He taught French and mathematics in Kenyon college, Ohio, 1833-1834; was professor of mathematics in Miami University in 1835-1836; studied theology and took orders in the Protestant Episcopal Church in 1835. But disagreeing with some forms he left the church, studied law, commenced practising in Springfield, Ill., in 1838, and practiced subsequently in Washington, D. C. He was professor of mathematics in the University of Mississippi in 1848-

work in a few words. It has my most hearty concurrence. I hope it may in your power, by your approval, to aid the enterprise.

Your Friend & Servant

A. T. BLEDSOE

Remarks of Jefferson Davis on the Harper's Ferry Invasion Resolutions. Dec. 6, 1859.

Mr. DAVIS. Mr. President, mingled with the regret which I have felt, at the tone in which this matter has been discussed by the two Senators on the other side of the Chamber who have spoken, there has been at least one gratifying fact; and that is the distinctness with which they disayow for themselves and their friends any complicity in the transaction. I thought one of the great inducements we had to the consideration of the subject was to exonerate the Senate, if it were guiltless, of any connection with an act which stands out prominently as the first— I hope it may be the last—of those violent proceedings which can only be considered civil war. The newspapers have connected prominent individuals in the northern states; they have not spared Senators themselves in this connection. The Senate owes it to the country—a duty to itself, a duty to the Government of which it is an important and conservative part—that it should inquire to the bottom, and see whether its body is involved in any such corruption as has been intimated. That, I confess, was my great desire for the inquiry. I was gratified, therefore, to hear the Senators say, not for themselves alone, but for all with whom they were associated, that they believed they had no complicity with this transaction.

But why should the question of the Liberty arsenal be connected with this? Is it merely a question of seizing illegally, robbing, if you please, public property? That is but one of the minor considerations. The great consideration is the invasion

1854; and later held the chair of mathematics in the University of Virginia. At the beginning of the Civil War he was a Colonel in the Confederate Army and subsequently served as acting assistant Secretary of War of the Confederacy. He went to Europe in 1863 for material from which to write a constitutional defence of secession; was principal of Louisa school in Baltimore 1868; and as editor of the Southern Review, 1866-1877, transformed it from a political journal to a religious organ of the Methodist Episcopal Church. He died at Alexandria, Va., September 8, 1877. He wrote Examination of Edwards on the Will (1845), Theodicy, or Vindication of Divine Glory (1853); Liberty and Slavery (1856); Is Davis a Traitor or was Secession a Constitutional Right Previous to the War of 1861 (1866); Philosophy of Mathematics (1866).

of a State to disturb its domestic peace, the preservation of which is a purpose which stands prominent among the great objects for which our Union was formed. Why did our fathers band together? Mainly to preserve domestic peace and insure the liberty and prosperity of the States forever. Is this merely a question of property stolen, or is it to be sunk lower still and viewed merely in the clouded and bemired aspect of party politics? Sir, we are faithless to our oaths when we take such views of the question as these. We have a duty to perform, a high and solemn duty. It demands deliberate and grave consideration. We should meet it as men who either seek to preserve our Government, or who avow the purpose to destroy it.

Can the Government continue, should it continue, as the mere shield to protect one portion of the United States in making war upon another? Can the citizens of Virginia allow the citizens of other States, under the privileges and immunities which the Constitution secures, to invade their peace and disturb their domestic relations? Far better, if such is the motive which prompts them, that they were foreign Governments, with police stations along each border, and passports required with such inquiry into the character of persons coming in as would secure to peaceful women and helpless children immunity from the

incendiary and the assassin.

I trust, sir, there will be no disposition on the part of the Senate to embarrass or to postpone an inquiry which they owe to themselves, and which is so essential to the country. As to the Liberty arsenal transaction, it has no parallelism with the case on hand. The two are not in any essential degree alike. An armory was attacked at one place; an arsenal at another. Arms were taken from both, and there all likeness ends. It does not appear, it never was alleged, that those who went to Liberty and seized arms intended to hold the arsenal as a strong place where they might resist the community among whom it was situated. They went to get arms and ammunition and to go with them elsewhere, where that which might be fairly denominated civil war was already raging. Again, when they got the arms they went away, and afterwards returned them-showing no purpose to steal, but to seize them for a time for use in a border warfare, which none will attempt now to justify. As to where the onus of blame lies for the existence of that war, that is a different question, and it is beneath the dignity of the object of our present consideration to go into it.

The Senator from Illinois, however, committed a great mistake when he supposed that the insecurity of the public property—

for thus he argued-had caused the removal of the arsenal from Liberty to some other place. That was not the reason. arsenal at Liberty was properly situated there at the time when Liberty was on the frontier; when arms and ammunition were required there for use against marauding bands of Indians: but when the tide of settlement advanced, when the line of transportation no longer touched it, but departed from Fort Leavenworth, Fort Leavenworth became the point from which supplies came to be sent out; and I am not aware that the removal of the arsenal from Liberty to Fort Leavenworth resulted from the transaction which has been referred to. As to the statement of Captain Leonard, I would receive it in its entirety. He is an honorable man, a gallant soldier, who has borne arms for his country, who performed distinguished service on the field of Plattsburg. He is living, to-day, a monument of the time when northern men did not consider partisan advantages when the interests of the whole country were involved. He was a northern man by birth; he was from Vermont; but, sir, it was neither a question of anti-slavery nor pro-slavery with Leonard. As an officer of the Government, he had his duty to perform, and I believe he performed it honestly and fearlessly at all times. He was seized, overpowered, and the arms were taken away from him; such, as I remember, was his report; I have not referred to it recently. It was not then a question of extending slavery or restricting slavery—a discrimination that is now sought to be made between the two cases. It was the search of men who were engaged in border warfare in Kansas as to where they could get arms, and they seized the public arms. The other was a case of disturbing the sovereignty, the peace, the constitutional rights of the people of one of the States of the Union.

The Senator from New Hampshire quoted a remark of Mr. Calhoun, and referred to me as one who was here at the time; but he did not state, and it would have been fair in him to have gone on and stated, what were the circumstances under which Mr. Calhoun made the remark. There was then an attempt on the part of those who were opposed to the extension of slavery to introduce a law prohibitory of its extension into Oregon and other Territories. Clearly, then, the great advantage which the South had was, that she was standing still when all that was proposed to be done was evil. In the Senator's subsequent reference to my colleague, the case was entirely different. I do not pretend to state what the position of my colleague was; but certainly the cases are wholly unlike when constitutional rights are invaded in one, and when constitutional rights are to be

protected in the other. The remedy in the one is resistance-in the other, action. I do not suppose that my colleague has ever said we had no protection now. I do not suppose he is willing to admit to-day, or ever has admitted, that the laws and the Government of the United States do not afford us protection. I trust it is adequate; in the hands of faithful executive officers I hope it will always so remain. But the Senator goes on to refer to what may be the state of the case when the Executive changes, and what may be the state of the case when the purpose for which the Federal Government is invoked may change. Then, sir, I have only to tell him that, when the Executive shall use the powers intrusted to him, for the protection of constitutional rights, for their destruction, and the Congress of the United States shall legislate not to secure to us the blessings of peace, not to secure to us the rights of liberty, and the protection of person and property, then the Government will have been perverted from the purpose for which it was established, and we shall recur to our reserved rights.

I have no wish to cripple the power of the Federal Government; I have no wish to put it in fetters that will prevent it from discharging its legitimate duty, for the fear that if properly endowed its powers may at some time be used for our destruction. I trust the people of whom I am an humble representative will never sink so far beneath the dignity of their fathers as only to feel that they are secure under a king-log. Sufficiently intelligent to understand their rights, sufficiently brave to defend them, they have proved loyal to the Government, and loyal they will remain to it so long as it remains true to its duty. When its powers shall be perverted from protection to destruction, their allegiance will cease, and with the same spirit in which they instituted this Government they will build up another.

We, therefore, Mr. President, look to this Government that it may show its good faith to the obligation which the Constitution imposes, to protect us in our rights of person and property as far as the Federal functions extend. We expect of the Federal Government, in consideration of the fact that the States offer no barrier to the migration of individuals from other States, that it will see that lawless mobs do not go forth to disturb the peace of their neighbors. This Government was instituted to protect the people against the invasion of their rights, from any quarter whatever. The President is empowered by the Congress to call out the militia to suppress insurrection and repel invasion. That word "invasion," once had a signification which carried the mind simply to foreigners alone. God forbid we should ever

come to learn that it means likewise a portion of our own brethren; and may He also forbid that the time shall ever come when we shall have an Executive who would shrink from the performance of that duty with the directness, manliness, and honesty which have been displayed by James Buchanan.

Remarks of Jefferson Davis on the Harper's Ferry Invasion Resolutions. Dec. 8, 1859.

Mr. DAVIS. Mr. President, when recently a murderous raid was made into the State of Virginia: when insurrection and rebellion against the Government, the laws, and the Constitution raised its odious crest, it was to be expected that when the Senate assembled it would seek to find what was the cause in order that it might apply the appropriate remedy. When the Senator from Virginia introduced his resolution, we might have expected it to be received as a business transaction, to be voted upon at once, and a committee instituted to commence the investigation. The Senator from Illinois, however, introduced a proposition to embarrass the inquiry, which was of such dignity and importance as ought to have commanded the respect and attention of every one, by presenting a collateral matter unconnected with any purpose which could be involved in this investigation, and running back to an ancient subject which had been already fully explored. He disavowed, and I was gratified at the disavowal, any complicity or sympathy with the murderous raid which had been made, and for which the leader had already suffered a felon's death; but how do his acts tally with his declarations? Having first embarrassed the inquiry, he follows it up to-day with a speech which we must at least admit was long, and which goes into the question of slavery, taking the side of anti-slavery; and this when the country is already disturbed by the invasion of a State by a murderous gang of Abolitionists?

Is it thus that we are to be assured that the Senator does not sympathize with such assaults upon the rights of the South? Is it thus that we are to be confirmed in that which we had a right to expect, that all northern men would wash their hands of such transactions, save those who are so deeply involved in the guilt that the citizens of their own States would hold them up to punishment? What has a question ethnological, social, and political, to do with the consideration of a foray like this? We had a right to expect that every Senator would be prompt to explore the cause and to apply the remedy to such an evil.

I might, however, have chosen to sit still instead of, in any degree, responding to a speech on matters and things in general, but for the fact of the particular reference to myself, for the third day repeated by that Senator. The first day I was surprised; I thought the Senator was unfortunate; the second day I told him so. What am I to think when, warned as he has been, informed as he has been, that his statement was without any foundation in truth, he again reiterates it, and presses it upon the notice of the Senate? To-day, not having made the search before making the charge, he comes in and informs us that he has now made a laborious examination, and the labor of the mountain brings forth a mouse. What has his laborious examination produced? This resolution, adopted by the Senate on the motion of the Senator from Ohio:

"Resolved, That the President be requested to communicate any additional documents in his possession, or the possession of either of the Departments, relating to the condition of affairs in Kansas Territory, including the legislative journals, executive minutes, and returns of any census which may have been taken."

He pleads to the remarks of the Senator from Ohio, that the debate on that occasion does not furnish the rule of construction for the law, and tells him, as a lawyer, that he must understand that the law is to be construed by its letter. What letter there indicates or intimates, however remotely, the wish of the Senate to know anything about the Liberty arsenal? But preceding the introduction of the resolution, the Senator from Ohio [Mr. Pugh] said:

"The Senator from Vermont informs me, that there are additional documents in some of the Departments in relation to affairs in Kansas, including further minutes of the executive council of the Territory, which we have not received, and also the census returns. For the purpose of obtaining those documents, I offer the following resolution, and I ask for its consideration at the present time."

Then comes the resolution, and remarks were made by two other Senators:

"Mr. COLLAMER. Yes, sir. It will be recollected that when

[&]quot;Mr. Weller. I would inquire whether this information has been received at the Department since the last call of the Senate was answered?

the President of the United States sent us his message on this question, on a former oceasion, he sent us only the minutes of the executive council of that Territory, which had been received up to that date; but I have since understood that additional minutes have been sent. Those which we have received reach only to January, 1855; but we wish to obtain them down to July, 1855, up to which time they have now been received at the State Department. I saw a portion of them there on Friday or Saturday last. The Chief Clerk showed me what had been received, including the census returns; and I understood him to say that the documents would be sent to the Senate on Monday last, without any resolution of inquiry being offered. They have not been received, however, and therefore this resolution becomes necessary."

The purpose of the Senate was clearly indicated in conformity with the language of the resolution. There was nothing whatever about the Liberty arsenal. But the Senator goes on to inform us that he introduced a resolution calling for all correspondence in relation to the military operations in Kansas. The Senator from Maryland [Mr. Pearce] informed him yesterday what became of that resolution. It was postponed, it appears, on his own motion.

Mr. TRUMBULL. The Senator from Mississippi is mistaken about the fact. That was not the resolution which I introduced. Mine was adopted. The resolution introduced by the Senator from Massachusetts [Mr. Wilson] was postponed on my motion.

Mr. DAVIS. If the Senator introduced a resolution calling for this information, which was adopted, and it was sent to the President, I certainly recollect no such resolution; I am sure no resolution ever came before me which called for anything in relation to the Liberty arsenal; but if the Senator introduced a resolution for that purpose, and when the reply came there was nothing about it in it, why, I ask him, did he not demand to know why the Secretary had not answered it?

Mr. TRUMBULL. I presume the Senator does not wish to misunderstand me. I did not say a resolution was introduced for that specific purpose. A general resolution was introduced which I thought was sufficient to cover it.

Mr. DAVIS. If you thought so and did not find the answer, then why did you not repeat the call?

Mr. TRUMBULL. Does the Senator wish an answer?

Mr. DAVIS. Yes.

Mr. TRUMBULL. We did not know the facts about this transaction at that time. I tried to explain, in my remarks be-

fore, that it was for the purpose of getting information. The resolution was drafted as broadly as I knew how to draft it, to obtain the general information. I did not draft it particularly in reference to the Liberty arsenal, but in reference to Kansas affairs, and as that was connected with Kansas affairs, the arms taken from there having been taken into Kansas, I thought it afforded grounds to have given us that information.

Mr. DAVIS. If the Senator thought all that, he had but to say "here is the matter of the arms taken from Liberty arsenal not explained." He could have got all the information in the Department if he had only indicated what he wanted. Sir, it is unbecoming a Senator to allow the occasion to pass to this remote period, and then to attempt to found a charge as malicious as this upon it. But the Senator went on. He spoke of these arms being taken and being used in Kansas. He spoke of four thousand nine hundred?

Mr. TRUMBULL. No, sir. The Senator misunderstood me. Mr. DAVIS. The Senator who sat on your left, perhaps, stated the number—the Senator from Wisconsin, probably.

Mr. DOOLITTLE. I stated the number—four thousand nine hundred—which was the number stated by the committee of the other House.

Mr. DAVIS. Very well. All these things are presented in connection. The Senator from Illinois talks of where these arms were used in Kansas, thus putting forth the idea that the arms taken from the Liberty arsenal were large in number and were used throughout the revolutionary struggles in Kansas. Nav. more, he speaks of these arms never being returned, and speaks of it in such sweeping terms as magnifies its importance, and would induce the belief, in one ignorant of the facts, that a large number had been taken and a large number kept. Now, sir, that is utterly untrue. The number of arms that was taken, as will appear whenever the Senator chooses to call for the information, were sufficient to arm about one hundred men, with three light pieces of field artillery, and they were not kept away two weeks, and when they were returned, the whole cost of repair and the whole amount of loss incurred in arms and ammunition amounted to about four hundred dollars. And yet this is the transaction which he swells into such magnitude, and proclaims as greater than the recent raid into the State of Virginia.

I regret, Mr. President, that, at the very beginning of a session, which we had reason to believe would have excitement enough, Senators will not approach the business which is be-

fore them as a matter in which they have a common duty to perform. If a Senator believes there is anything concerning which he desires information, if he believes there is a vast importance in something of which he is not informed, and of which some other Senator of the body has the information, is it not more manly, courteous, and becoming a gentleman to seek the information before attempting, throughout a debate of three days, to scatter imputations broadcast over the Republic?

The Senator says that more lives were lost by reason of taking these arms from Liberty than were lost in the recent raid into Virginia. I do not know that these arms were ever used. They were taken about the time of the march against Lawrence, as I remember events, for I have not recurred to the history. Whether they were ever used or not I consider more than doubtful. That is a fact of which the War Department had no information—concerning which it was not in their power to get information. They did not know where the arms went to, nor in whose hands they were. They only knew that an attack was made upon the arsenal, and that after troops were sent for its protection the arms were brought back. Therefore, whether they were used or not is a thing upon which the Senator speculates, and concerning which I do not believe we can have any accurate information.

As the Senator has instituted a comparison of importance between these cases, it is well to go back a step or two. In the South and West, as every one around me well knows, we have no manufactories for the construction of arms upon any extensive scale. Usually, special arms, such as are employed by hunters, are those alone that we manufacture. Others are purchased at the North, whether the Government contracts with private companies or whether individuals purchase them. We have thus contributed, sometimes as individuals, sometimes as tax-payers to the Federal Government, to sustain the factories of the North which became tributary to emigrant aid societies and sent forth the armed bands which poured in upon Kansas. When the people of Missouri, living on the border, saw that, as the result of meetings in churches, and elsewhere, armed bands were coming in and occupying the Territory immediately northwest of them, threatening their peace and security, what wonder that they should have seized upon arms wherever they were to be acquired to march against the marauders who were thus threatening their internal peace? The meetings in churches and the bestowal by eminent professors and preachers of Sharpe's rifles to be taken to murder the citizens who were going into Kansas,

were the precursors of this deed of violence done in Missouri. I offer it not in justification; I will not attempt to justify the act; but it should have been received in extenuation; and when the Senator commenced making a comparison between the breaking open of an arsenal and taking out a small number of arms and a conspiracy plotted, prepared for years before, and finally culminating in an assault upon a sovereign State, he must have forgotten the obligations which he owed to his Government.

But the Senator goes on to speak of the persons who took the arms as having been rewarded with office as the special favorites of the General Government. If any of them have been rewarded with office, I am not aware of the fact. Of this much I am quite sure: no man ever was rewarded with office because of that fact. I heard the name of only one individual ever mentioned in connection with it. Who were his followers I am this day profoundly ignorant. Perhaps the Senator may be aware of some person connected with the transaction who has been rewarded with office. Was it fair, was it candid, was it honest to his own Government to say that therefore those persons had been rewarded with office without having some evidence of the truth of the assertion?

In the same connection, the Senator yesterday went on to speak of troops having been sent to Kansas. Yes, sir, troops were sent there, and troops were kept there. They were sent there to preserve the peace; they were kept there to preserve the peace. Equally they acted against the combatants on both sides. They put down armed bodies of men wherever they found them in opposition to the law. They shed the blood of nobody; no doubt they prevented the effusion of much blood upon the soil of Kansas. No Governor ever went into the Territory who felt that he was safe without the presence of troops, who felt that he could execute his duties without them. The troops were required for other services, and were detained within the Territory upon the application of the Governors. These facts being notorious, does it become a Senator, at this late day, to parade that worn-out charge as an accusation?

There is, Mr. President, as I view it, a duty on the part of the people of every State to restrain their citizens; a duty on the part of every State to prevent armed bodies of men crossing its territory to attack another State; and the citizens who are recreant to this duty are accomplices to the crime. They are bound to restrain; not to sustain. The men who have given money, the men who had had meetings and encouraged such acts are accomplices before the fact; and those who approve it now, those who

attempt to cover it now, are criminal after the fact. The Senator from New York, who is not in his seat, has been brought prominently before the consideration of the body to-day, for a speech of his which has been published and circulated over the country. That Senator made his speech before the event; he may not have contemplated the fruit it bore—if, indeed, it bore this; but, when the Senator from Illinois vindicates that speech to-day; when the Senator from Illinois makes that the text of his remarks, and reads for it what our forefathers said, he makes himself responsible for what Mr. Seward, perhaps, never would have sought. The man who, after the event, approves a speech which, at least, contained the germ that might have produced the plant, is far more guilty, in my judgment, than the man who originally made it.

Besides, Mr. President, we have, in the course of the debate, been several times spoken of as complaining of a want of sympathy among our northern brethren. I have made no such complaint. I have not asked for any sympathy. Sympathy, however, in the character of fraternity, sympathy in the nature of abhorrence of crime, sympathy in an odious shuddering at the spectacle of those who come to incite slaves to murder helpless women and children, I might have expected in the breast of every gentleman. Senators here seem to consider this word sympathy as synonymous with pity, for which every proud man feels contempt. Virginia has never needed aid; but when at the far-distant portion of the country, in which I was at the time, I saw it reported that the Governor of Pennsylvania had offered his aid, and that the Governor of Virginia had declined it, I was gratified at the offer and pleased with the manner in which it was received. I thought it becoming in Pennsylvania to make the offer, equally becoming in Virginia to decline it.

Mr. MASON. That is a mistake, Mr. President. It was untrue. There was no such offer made, and of course it was not declined.

Mr. DAVIS. I did not say that it was; but still I saw it in the papers, and I was telling what I saw in the papers, and what effect it had on me, whether true or false. I saw that it was afterwards corrected. I say again, Mr. President, if the Governor of Pennsylvania had made the offer, it would have been becoming in him in his position.

Mr. BIGLER. Will the Senator yield to me?

Mr. DAVIS. Certainly.

Mr. BIGLER. It is perhaps right, at this point, to make an explanation of facts which I happen to know. Governor Wise

addressed the Governor of Pennsylvania, as I think he did the Governor of Ohio. It happened, however, that the Governor of Pennsylvania did not receive the letter of the Governor of Virginia in time to reply as promptly as I have no doubt he would have wished to reply. I have not seen anywhere the letter of the Governor of Pennsylvania in print; it has not been published; but I had the pleasure of reading it, and I think it is all that the Governor of Virginia, or the citizens of Virginia, could desire, showing a determination on his part, so far as would be right and proper on the part of a sovereign State, to interpose whenever the necessity should arise, and giving the Governor of Virginia assurances that no countenance would be lent by the sovereign State of Pennsylvania to any band of men who might rendezvous in that State for the purpose of preparing an assault on the State of Virginia or any of her people.

Mr. DAVIS. I am very much gratified, Mr. President, to hear

the facts stated by the Senator from Pennsylvania.

Mr. MASON. May I trespass for one instant upon the time of the Senator from Mississippi?

Mr. DAVIS. Certainly.

Mr. MASON. The substance of the letter, which I happened to read, from the Governor of Virginia, addressed to the Governor of Pennsylvania and the Governor of Ohio, was not calling for any aid whatever. It was only to inform them that he had information which led him to believe it was true that combinations of armed men were forming within those States, respectively, for the purpose of making an incursion into Virginia, either to prevent the execution of this man Brown, or if they could not get there, to take hostages to deter it. Whether such combinations were formed or not, I do not know. I do not know the evidence upon which the Governor of Virginia wrote the letter; I have not seen him and do not know what papers or correspondence he has had; but it was giving these Governors that information to act upon as they thought best, suggesting only that if they found it was true, they should take measures to suppress it there, and prevent them from coming into Virginia—that is all. He never asked any aid in any form.

Mr. DAVIS. That, I believe, is about the substance of what the Senator from Pennsylvania said, and I cannot see that there was anything humiliating in the Governor of Virginia calling upon the Governor of Pennsylvania to take care of lawless men

who were within his own limits.

Mr. MASON. Nothing in the world.

Mr. DAVIS. I think comity between States required that the

Governor of Pennsylvania should be ready to perform that duty, and I am glad to know how entirely ready he was to do it; and in my first remarks I intended to make no reflection on him, for if not done it might have been an omission whilst he had entire willingness to perform it. Considering it as I did, in my first remarks, as a case in which the Governor of Pennsylvania did nothing, still it might have been an omission whilst he was quite ready to perform his duty to the fullest extent. I only intended to allude to it as a part of the general obligation between the States, each to avoid its territory being made the place where conspirators would rendezvous to attack another State; and if any State at any time should be unable to defend her territory against such an invasion, I trust the day may never come when the sister States will not generally rally to her defense.

But, Mr. President, we are now considering a question which involves within itself a conspiracy against a portion of the United States, a rebellion against the constitutional government of a State. It is no time to go into a disquisition upon the abstract question of African servitude. If it be right to discuss that question at any time—and whenever it is appropriate to do so. I shall be ready for it, believing it can be thoroughly vindicated—surely it seems to me this is not the time. If I desired to institute an inquiry whether the reform schools of New England were justifiable or not, and I found that lecturers were inciting that portion of your population that have not capital against those who have, and it were to lead to the burning down or tearing down of your public institutions, I should not on such an occasion as that rise to give my opinion upon the propriety of the reform schools or juvenile penitentiaries which you have among you. The occasion is not meet and proper for the consideration of such a subject. We should confine ourselves to the duty to be performed: first, the inquiry, has a conspiracy been formed? secondly, who are the guilty parties? thirdly, what is the appropriate remedy?

I believe a conspiracy has been formed, extending not only over a portion of the United States, but also into England; that money has been contributed at both places; that it has been the work of years; that a military leader was sent from England here to participate, first in the Kansas trouble, and then in this raid upon Virginia. It was foretold in England long before occurred this treasonable act, that insurrection among the slaves of the South would happen, and the disappointment must be, that the only rebellion of the slaves was against the incendiaries who got possession of them, and from whom they escaped to

return to the protection of their masters. If this is the fact, and there is surely enough to justify the suspicion of conspiracy, what Senator can decline to enter into the inquiry zealously, promptly, thoroughly; to seek whether such assault has been made upon our institutions or not? This person to whom I allude, known here as Colonel Forbes—I do not know what other alias he may have—was announced in one of the foreign papers—a correspondent from Paris writing to a paper in London—as having come over here after his disasters under Garibaldi, and having engaged in this Kansas war as a military leader and instructor to carry on civil war in the United States. His first funds were drawn from London. His second funds were anticipated but not drawn from the anti-slavery fund here. Not being drawn, he became a willing witness against his former employers.

Again, sir, we had something like an apology offered, because it was said the manner of the attack did not indicate any purpose to enrich those who were engaged in it, the object being not to rob nor to steal. Fanaticism is never mercenary, but these incendiaries added to their crimes the vice of avarice. Does not the sordid feature of the enterprise excite contempt, when beneath this conspiracy, this combination to disturb the peace of a sovereign State, you find the petty commercial purpose of making money by disturbing the industry of one portion of the country, increasing the price of cotton, and thus filling the pockets of the base traitors against their own country? One of the inducements to persons to advance money to carry on this foray against the South was, that by disturbing the labor of the South, the harvest of the growing crop would be lost, and they anticipated, knowing it beforehand, when it was not known in the markets of the world, to be the buyers of cotton, and thus reap the advantage of the foray which they instigated.

Mr. President, in the case before us, the object undeniably was to incite to insurrection the ignorant slaves who were peacefully living in the relation of domestics to their southern masters. Apologetically, it would seem, for the crime thus described, we have had cited to us the language of the Declaration of Independence. Miserable prostitution of the ideas of noble men announced in support of the noblest cause. Is it recollected that the bright period of Fisher Ames's life was when his eloquence culminated in denunciation of the British policy of employing savages against our revolutionary forefathers? and the name of Chatham, if he had done nothing else, would have been rendered immortal by the virtue and power he displayed in the arraignment of the policy of his own Government, and his denunciation

of the crime of employing the red savages of this continent to murder the women and children, and wage the war of barbarians against the colonists who, though in rebellion and at war with the British, were to be regarded as people of their own blood. But that crime, great as it was, sinks into insignificance if compared with this which is the subject of our present consideration. In that, the excuse of war, annulling all political obligations, could be offered; the Indians were a distinct people, and could be guarded against as such; in this, the relation of peace continues —the closest alliance which can exist between separate States binds the people of the United States together. The negroes, as domestics, have access at all hours through the unlocked doors of their masters' houses; and if their weak minds should be instigated to arson, murder, and rapine, the confidence of their protectors would render the first act of crime one of easy perpetration. How much deeper, then, is the crime of him who would incite a slave insurrection than was that of the immoral, infamous minister of Great Britain, who armed the savage Indians against our ancestors. But how much better would he be than the criminal involved, who, in the hall of Federal legislation, would seek to obstruct inquiry or to dull the sword of justice in favor of him whose crime connects with all that is most abhorrent to humanity, the violation of every obligation to the social compact, the laws, the Constitution, the requirements of public virtue and personal honor.

Is this, then, Mr. President, a time to wander off into economical considerations on the employment of slave labor, to ask whether it is better to cultivate lands with one species of labor than another? Is this a time to propose the policy of the deportation of free negroes from the non-slaveholding States. At such a time as this, we might well reply, the underground railroad takes away our labor; you prove when it gets among you, what we told you beforehand, that that class of people were unable to take care of themselves; they become a burden upon you, and then you ask us to be taxed in order that they may be carried away. It is a simple proposition to steal a man's negro, and then take money out of his pocket to send the negro away. because he is found to be a nuisance after he is stolen. We have no share in the transaction. It is a hard contract in the first instance, and a little worse in the second form in which it is presented. Living together in the relation of master and servant, and undisturbed by incendiaries who offer them propositions which they have not the mind to conceive; living peaceably together, each is the better for the presence of the other. The white race could subsist without the black; the negro could not exist in anything like a civilized condition without the presence of the white man.

But, Mr. President, I am unwilling to go in pursuit of the Senator over the wide field he has occupied in relation to a question which, if it ever be proper to discuss, it certainly ought to be postponed to some other period.

Remarks of Jefferson Davis on Senator Pugh's resolutions. Dec. 16, 1859.

Mr. DAVIS. I will say to the Senator from Ohio, that to hold the scales of justice equal, and to hold them so as to give adequate protection to all citizens in their rights of person and property, is exactly what the resolutions mean; but, as I understand him, his doctrine would go to the extent of denying to the Federal Government the power to create a territorial government at all.

Mr. PUGH. I have not said that.

Mr. DAVIS. Your doctrine tends to that, if I understand you.

Mr. PUGH. I think not.

Mr. DAVIS. If the Senator thinks we have power to create a territorial government, and to invest the territorial government, as our agent, with functions to protect person and property in the Territories, the common property of the United States, then he understands the resolutions properly to mean that the Government can be invested with functions to give adequate protection equally to all, no discrimination against any.

Mr. PUGH. I say again I will make no discrimination—none. If that is the meaning of the Mississippi resolution, I have no objection to it; but, sir, I deny that the Territorial Legislature is an agent of Congress. Who made it the agent of Congress? Do we elect its members? Do we choose them? Can we displace them? Sir, they are the agents of the people of the Territory—as much so as we are of the people who sent us here. The territorial government is, in one sense, the creature of Congress, or rather of the Federal Government, and so is every new State. We passed a law authorizing the people of Minnesota to assemble and choose their delegates and form a State constitution—the very same form of legislation precisely that we apply to a Territory; and who ever pretended that that

fact made the State of Minnesota the creature of Congress? Neither does it follow in every case that a creature may not have higher powers than the creator, or that the creature is in all cases subject to the creator. He may have a different will, conferred upon him from a different source, and I say that the Territorial Legislatures are agents of their people, that it is not for Congress to supervise their acts, that it is for them to proceed in the exercise of their right of self-government, and if any man complains of them or their acts, or of omissions, let him go to the judicial tribunals with his complaint, if it be capable of judicial cognizance, or otherwise trust to them. I say, in addition to that, whatever the judicial authorities decide, I agree must be executed.

Mr. DAVIS. I would ask the Senator from Ohio where the Territorial Legislature gets its authority. Is it from the act of Congress, or is it from the will of the people who inhabit the Territory, alone?

Mr. PUGH. It is from the will of the people who inhabit the Territory.

Mr. DAVIS. Then I would ask the Senator further, why it is that he makes an appropriation to pay members of the Territorial Legislature, how it is that he invests the Governor with a veto power over their acts, and how it is that he appoints judges to decide upon the validity of their acts?

Mr. PUGH. I will endeavor to answer the gentleman's question. I make appropriations to pay the expenses of their government because it is cheaper to do that than to pay taxes on our property there. We own the landed property of the Territories, and we do not pay any taxes for it, and it is cheaper for us to pay the expenses of their Government than it is to pay taxes on our property as individuals do on theirs.

Mr. DAVIS. Oh, but the Senator being from one of those States where this Government was the proprietor of the land, must be familiar with the fact that after the State of Ohio was admitted and had a Legislature of its own, a Legislature of the people distinctly, they paid their own Legislature, though this Government still continued to be the proprietor of the land.

Mr. PUGH. Yes, sir; but the Government stipulated to give us five per cent. of the net proceeds of all lands sold in our State for an indefinite period.

Mr. DAVIS. Not to pay your Legislature.

Mr. PUGH. It was for general State purposes,

Mr. DAVIS. No.

Mr. PUGH. Yes, it was for internal improvements.

Mr. DAVIS. It was a contract between the States and the Federal Government that they would not tax land which belonged to the United States for a period after its sale under the present cash system. It was a contract between the States and the United States on those terms, we agreeing to pay the per-

centage.

Mr. PUGH. That may be. It comes to the same thing. I say the very reason why this Government has from the beginning paid the expenses of the Territorial Legislatures, is because it is cheaper to do that than to pay its taxes as persons ought to pay; and certainly no State ought to deny that the Government would be bound to pay taxes which, when she was admitted into the Union, like Ohio and Mississippi, insisted upon the right of taxing the lands of the Federal Government, and only relin-

quished that claim upon a contract.

The Senator asks me, in the next place, why I give a veto power to the Governor. I would as lief he should not have it; but I can well understand the principle on which it stands. Your territorial act, as I said last winter, is not an enabling act to the people; it is a disabling act. You claim the general authority over the public domain. You, at the beginning of it, owned the larger part of the land. You throw it open to cultivation; you say to the people of the States and from abroad: "Go in here; we permit you to go; we permit you to acquire a title by the preëmption law, by the homestead law, by the donation law, or by direct purchase; and we stipulate for your quiet possession of that Territory, and for the security of your title, provided you will agree to certain terms which we have set down in the organic act." What are those terms? That you shall not tax the property of non-residents higher than that of residents; that you shall respect all those great principles contained in the Bill of Rights to the Constitution of the United States; and that you shall conduct all your government and legislation so as to bring you ultimately into the Union as a State: that you shall not wander off and make alliances with other people, or become foreign States; and as these conditions are written down in the organic law, we reserve for your protection the power of the tribune to veto any attempt on your part at an infraction of the conditions.

Mr. DAVIS. The Senator from Ohio will permit me to interrupt him once more. He leaves out a very important provision. This money was not given to the States merely for that consid-

eration and for them to do as they pleased with it; but the States having an interest in the lands within the limits of the State where this sovereignty was to be erected, reserved from the eminent domain, which was about to pass to the people of the State, certain rights and privileges, and imposed conditions on which this money was given. Among other considerations which he has named, there is one which he has omitted. An obligation was imposed on them to make roads leading to the State and improvements in the State, to accelerate the sale of the public lands which belonged to the United States.

Mr. PUGH. I do not doubt that the Government of the United States may have been operated upon to some extent by that motive.

Mr. DAVIS. But it is set forth as being for the purpose. It is declared in the act.

Mr. PUGH. Suppose it is; suppose the Government declared it; I say the State of Ohio—and that is the case referred to—did claim the right to tax the land of the Federal Government within her limits, and that she only surrendered that claim upon a stipulation that five per cent. of the proceeds of the lands sold there should be appropriated to State purposes. My colleague knows that the making of roads in Ohio for the first twenty years was a regular element in the State appropriations, and the five per cent. fund was in aid of the State government in carrying forward the purposes of the State government. Now, I say, in the Territories, you, as the largest property-holder, are excused from paying taxes by a commutation—that is, a sum sufficient to pay the expenses of that government.

But I was speaking of the veto power; I had passed to that. That originates nothing; the Governor can make no law; the Governor can propose no law. The veto power is purely negative. If the Governor vetoes an act, the former law stands, and in fact in no event can it be used to touch the question of slavery. If the Territorial Legislature pass an act to allow slavery within the Territory, and the Governor vetoes the act, what is the effect of it? They simply have no law at all on the subject. Suppose the Territorial Legislature were to pass a law abolishing slavery, and the Governor should veto that, it would have no effect; they would simply be without law. All this pretense on either side that the veto power of the Governor in a Territory can touch the question of slavery, in any way, is a great mistake.

Now as to the judges; do not we appoint judges for the State of Mississippi, Federal judges, and marshals? Have we not

district judges in your State, sir? Have we not a court of the United States in every State, with its marshal? What more have we done for the Territories? We have appointed for them judges of the United States and marshals, and have authorized them, for their convenience, to save them the expense of paying other judges, to vest certain jurisdiction of questions between mere individuals in those judges. At the same time, they have their county judges; they have their local courts; they appoint their justices of the peace; they appoint their probate and their county judges. Sir. I will tell the Senator from Mississippi, furthermore, that when he has made that out of the territorial government; when he has declared that it is a mere agent of Congress, that Congress exercises all this power in the Territories, and that it could be as well exercised directly as through the agent, for that must follow; when he has invested Congress with that local authority, he has not only broken through the Constitution of the United States, through its express prohibition, but he has over-ridden the decision of the Supreme Court in Dred Scott's case.

Mr. DAVIS. Will the Senator state the express prohibition that will be broken.

Mr. PUGH. Yes, sir; the express prohibition is that Congress shall exercise that kind of legislation only within ten miles square. Nowhere else can it be exercised. It was meant for that. Did our cautious fathers limit Congress in the exercise of this particular authority only to ten miles square, and then, in the vast Territories of the Union, greater than the original States, is Congress to have imperial, arbitrary, sovereign, unlimited authority? I say the Supreme Court, in Dred Scott's case, decided against the Senator's position. They said that the clause, to which I have alluded, amounted to a prohibition on any such authority by Congress in the Territories. Therefore, I say, if that is your territorial government, it is unconstitutional.

Mr. DAVIS. I do not know that I understand the Senator. Does he say that Congress has unlimited power within ten miles square? that the Constitution confers power of unlimited legislation within ten miles square, and prohibits it from exercising such power elsewhere?

Mr. PUGH. If I get the book I will read it to the Senator, and he can see for himself.

Mr. DAVIS. I think I have read it before.

Mr. PUGH. I think, when the Senator has read the language, he will find it is just what I have said:

"To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States"—

Mr. DAVIS. Mr. President——Mr. PUGH. Let me read it all:

"and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

Mr. DAVIS. Now, Mr. President, from what the Senator has read, he shows his argument to be altogether unfounded upon the Constitution. Instead of "unlimited" he reads "exclusive." Exclusive of what? Of any other authority over the ten miles square ceded for a seat of Government; not unlimited power; far from it—not imperial, but restricted by the grants of the Constitution—exclusive only. Then, again, so far from its being confined to ten miles square, before he finished reading—and he was anxious to finish it all—he read: "arsenals, forts, and dock-yards." Are they within the ten miles square? If not, on what, I ask, does his argument rest?

Mr. PUGH. The Senator does not seem to me to have altered his former position; and he certainly has not disturbed mine in the least. I used the phrase "unlimited authority" when I spoke of the Territories; and I say his doctrine leads to the monstrous conclusion that, whereas even the exclusive legislation of Congress is limited to particular places by the Constitution, he is driven to contend that over the Territories of the United States, as they stood when this Constitution was signed, over what was then the largest portion of the domain over which the Constitution was extended, the power of Congress is not only exclusive, but unlimited, arbitrary, wholly without control under the Constitution. He is driven to it.

Mr. DAVIS. If the Senator from Ohio will permit me, I will tell him that the only monstrosity I see is that of absurdity in his argument. He reads here, with great emphasis, a grant of power over ten miles square to be given for a seat of Government, as though that had anything to do with the territory, and then jumps to conclusions not founded on what I said, and equally unfounded in the article from which he reads.

Mrs. M. L. Howell 1 to Jefferson Davis.
(From the Library of Congress, Manuscript Division.)

Thursday 14th 1859

My Dear Jeff

I am glad to see you are safe at Briarfield and do not intend remaining long-although I am very anxious to see you, and have a thousand questions to ask about my dear children and yourself Yet I do not wish to have you here, even for a few days, at this season-The City however is perfectly healthy for the acclimated-Not a case of yellow fever so far-at what moment it may break out we dont know—as soon as I received your letter I sent for Cartwright to know if Juli Anne could be sent up—he came this morning and pronounces her well, and worth one hundred dollars more than she was when she came down—he says she is wonderfully changed in her appearance and understanding, for the better—He will write by the boat if he has time, but for fear he should not, he says he wishes the issue kept open and running until the peas and plaster he sends are used up—he also wishes her to be put to work as customary —her leg to be dressed once a day—There is a small bill at the Anotheraries of 13 or 14 dollars which I will send to Mr. Payne for settlement—Tell Hagar she is a good girl & has behaved herself well-

I had a letter from Varina dated 4th and giving a good account of her continued improvement in health-her spirits seemed good—but I cannot judge from her letters much about her condition, I know how anxious she is to save me from anxiety, and that she conceals her real state from me-so that instead of being comforted by her letters I am often made more miserably anxious-From her handwriting however, I am disposed to think her much stronger than she was the last time she wrote-She says the children are in fine health and that my little Joe is a beauty-Maggie growing more and more beautiful every day-Master Jefferson not so good as he was, but a great boy never-the-less-I feel my separation from you all more & more every day of my life, but nothing is done without God's will—I try to submit myself as cheerfully as possible to my privations let them be ever so grievous-Sometimes find myself saying it is verry hard, and wondering Why it is so ordered, but at such times I am so very miserable and suffer so intensely I

¹ Mother-in-law of Jefferson Davis.

am glad to submit myself to his Will, and to pray for grace to keep me soul and body under his care continually.

Jeff do you know that I do most firmly believe that we are upon the eve of the final consummation of all things!! Now do not think me crazy, or a Millerite, or doting—I have been so anxious to write to you and Varina about it and to beg you to read Cumming on the Apocalypse, and his end of time-but have feared to do it because I thought you would imagine me crazy—where as, I never was happy in my life before, I never understood my God or my bible as I now do-I never had such a clear view of my duties and responsibilities as I now have—I never lived above the world before-Let me prevail upon you my dear son, as dear to me as any child I have, to read those books and to get Varina to read them, that we may all be found with our lamps trimmed and our wedding garments on-Oh Jeff dont say Ma is certainly crazy—she has taken leave of her senses—suspend your opinion until you examine for yourself Cartwright is reading it and is much impressed by it—tis my firm opinion that Our Saviour will end this War in personread revelations for yourself & with Cummings aid you cannot fail to see—he fixes no time—he predicts nothing but he shows us up to the present time how the revelations have been fulfilled -Jeff read them for my sake if you do not for your own-You will be greatly interested, and will continue reading his works for your own sake-Tell Varina to read them because they have made her Mother happy—All are well here, and I hope doing well-Joe gradually becoming a steady man-Bill looking disconsolate as Minnie is away in New York-She never spent a summer here—and much against her will was sent away this time—She is a right minded good girl and we are all much attached to her-Jeff gradually becoming tame, and showing less and less unwillingness to stay in the house—I punished him for the first act of disobedience after he returned, and he has been docile since—he only wanted to be managed—I send a collar I have just finished for Miss Davis to wear this winter with her cloak or mantle—You see my belief has not impaired my usefulness-it is just done today and I send it without washing—Becket is well but thin—he is six feet and an inch—a steady good obedient son-Jennie has grown very much and is slender and delicate in her form—She plays almost as well as Varina did—on the pianno and has a fine voice—She is a good child and a great comfort to me-She was confirmed a short time ago by Bishop Polk-who by the by is a great friend of mine and when I see him he often talks of you with much affection—and desires to be always affectionately remembered to you—he is reading Cumming by my persuasion—I have just remembered my dear Jeff that your eyes are not strong, and will have mercy upon you—All here send much love to you and hope to see you in the fall—That God may bless you my dear Jeff and all that belongs to you, is the daily prayer of

Your affectionate
Mother

excuse this scrawl I have written in a great hurry, blame the collar—it had to be finished [Indorsed: Mrs. M. L. Howell.]

Franklin Pierce to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

[New York] Clarendon Hotel Jany 6, 1860

My dear Friend-

I wrote you an unsatisfactory note a day or two since. I have just had a pleasant interview with Mr. Shepley whose courage & fidelity are equal to his learning and talent. He says he would rather fight the battle with you as the Standbearer in 1860 than under the auspices of any other leader. The feeling and judgment of Mr. S. in this relation is I am confident rapidly gaining ground in New England. Our people are looking for "the coming man"—One who is raised by all the elements of his character above the atmosphere ordinarily breathed by politicians—A man really fitted for this emergency by his ability, courage broad statesmanship & patriotism,—Colo' Seymour (Thos. H.) arrived here this morning, and expressed his views in this relation in almost the identical language used by Mr. Shepley.—

It is true, that in the present state of things at Washington and throughout the Country, no man can predict what changes two or three months may bring forth. Let me suggest that in the running debates in Congress full justice seems to me not to have been done to the Democracy, of the North. I do not believe that our friends at the South have any just idea of the state of feeling, running at this moment to the pitch of intense exasperation, between those who respect their political obligations, and those who have apparently no impelling power but that which

¹A photostat copy of the original letter is on file in the Library of Congress. How the original was captured, three years after it was written, in an Alabama post office seems to require explanation.

fanatical passion on the subject of domestic slavery imparts without discussing the question of right-of abstract power to secede. I have never believed that actual disruption of the union can occur without blood, and if, thro the madness of northern abolitionism that dire calamity must come, the fighting will not be along Masons and Dixon's line merely. It [may] be within our own borders in our own streets between two classes of citizens to whom I have referred. Those who defy law and scout constitutional obligations will, if we ever reach the arbitrament of arms, find occupation enough at home-Nothing but the state of Mrs. Pierce's health would induce me to leave the Country now altho it is quite likely that my presence at home would be of little service.—I have tried to impress upon our people especially in N. H. and Connecticut where the only elections are to take place during the coming spring, that while our Union meetings are all in the right direction and well enough for the present, they will not be worth the paper upon which their resolutions are written, unless we can over throw political abolitionism at the polls and repeal the unconstitutional and obnoxious laws which in the cause of "personal liberty" have been placed upon our statute books. I shall look with deep interest and not without hope for a decided change in this situation.

Ever & truly yr Friend FRANKLIN PIERCE

Hon Jeff: Davis Washington

D. C

(Endorsed) Captured by Col. J. P. Brownlow at Bellfort, Alabama, in the post office in 1863.

Franklin Pierce 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Clarendon Hotel, City of New York Jany. 8, 1860—

My dear General

I am greatly pained by a rumour which has just reached me of the dangerous illness of Hon. Matthew Harvey U. S. District

¹ Pierce, Franklin (1804-1869), fourteenth President of the United States, was born at Hillsborough, New Hampshire, November 23, 1804, graduated from Bowdoin College in 1824, studied law, was admitted to the bar in

Judge for the District of N.H. I hope that the report of the alarming condition of my friend is exaggerated and that his useful life may long be spared, but I am to leave the Country tomorrow in the steamer Karnak for Nassau and shall therefore probably have no further intelligence upon the subject before my departure, consequently I desire to provide for the worst. If Judge Harvey should not survive, there can be no doubt that the wishes of the people of N.H. would with great unanimity, indicate Hon. Josiah Minot of Concord late Commissioner of pensions and previously Judge of our State Courts as the successor of Judge H.

There is just as little doubt that, in point of legal attainments and all requisite qualifications, he is pre-eminently the man for the place. I should address President Buchanan upon the subject but for the fact, that even the illness of Judge Harvey rests merely upon rumour; and annoyed as I have reason to know the President must be upon the subject of appointments he ought not to be troubled in a case where, I yet hope, there may be no

occasion for his action.

In case of the death of Judge H. I request you to present this note to the President with my respectful and earnest request, that Judge Minot may be appointed. It is getting near morning and I have two or three letters yet to write before I seek the pillow. Good night and good bye.

Your friend

(Signed) J. Franklin Pierce.

Genl. Jefferson Davis Washington, D. C.

Note: On the outside of this letter is the following record: this is one of President Pierce's own hand writing captured by Joe Liddle from Jeff Davises Private Papers near Jackson Miss. July 15th 1863.

1827, and commenced practising at Hillsborough. He was a member of the New Hampshire House of Representatives, 1829-1833, Speaker, 1832-1833; was a member of the national House of Representatives, 1833-1837; U. S. Senator from March 4, 1837, to February 28, 1842. He served in the Mexican War-under a commission as colonel, dated February 16, 1847, and under a commission as brigadier general, dated March 3 of the same year. At the battle of Contreras he was thrown from his horse and much injured. He was president of the New Hampshire constitutional convention of 1850 and in 1852 the legislature of his State proposed him as a candidate for the Presidency. He was nominated and elected and served from March, 1853 to March, 1857. The most important political measure of his administration was the Kansas-Nebraska Bill which was a repeal of the Missouri Compromise with regard to slavery. He retired from public life at the close of his administration and died in Concord, N. H., October 8, 1869.

Remarks of Jefferson Davis on the Pugh resolutions. Jan. 12, 1860.

Mr. PUGH. That is the language of the Senator from Mississippi, [Mr. Davis.] I have read, or rather the Clerk has read, an extract from the revised copy of his speech at Portland.

Mr. DAVIS. I beg the Senator's pardon. I did not hear it.

What is it?

Mr. PUGH. I thought the Senator was attending to the reading, or I would have called his attention to it.

Mr. DAVIS. I did not hear it.

Mr. PUGH. When that sort of language is used-

Mr. DAVIS. Just tell me what the language is. Refer me to what you were reading.

Mr. PUGH. Yes, sir.

Mr. DAVIS. I wish to say beforehand that the Senator makes a mistake when he talks about a revised speech. Those speeches were so misrepresented that I did not choose to revise them. They were published as they were found in the newspapers. To give all critics the benefit of whatever had been in the papers, they were published as they stood without my revision. [After reading the extract.] Oh, yes; that is practically true.

Mr. PUGH. I read from a pamphlet published under the Senator's own supervision, and with a preface to it. I do not

know whether the Senator revised the speech or not.

Mr. DAVIS. You do know. I tell you, I did not.

Mr. PUGH. I did not know when you spoke. Now I do know. I said it to correct myself.

Mr. DAVIS. I beg your pardon, sir.

Mr. PUGH. Now, sir, I do not presume to say what the Senator meant. His language may go as it is here reported; but I will say what impression would have been produced on my mind if I had been one of the audience. It is a speech addressed to the people of the North. It is in reply to an oft-attributed charge of forcing slavery upon a community—those are the words of the speech; and I can say that if I had heard the Senator use that language, I could have arrived at no other interpretation than that he was, in the very language of the Senator from Missouri, suggesting to the people of the Territory how they could keep slavery out.

Mr. DAVIS. Then I will only say to the Senator that I addressed a more intelligent audience who put no such construction upon my language; who understood perfectly what I meant—

that any attempt by laws to force slavery into a community where all of the community were opposed to it would be utterly futile. They understood perfectly well from more than is reported, for I recollect the argument went beyond what is reported, that all laws were dead upon the statute-book, if they were resisted by public opinion; that no character of property could be held in it which depended upon the protection of juries, if juries were all opposed to it—the particular case cited was the case of Utah that, enact what laws we might, they fell dead before the Mormon juries: that crime stalked unrebuked, and went necessarily unpunished, because no jury could be empanneled which would not side with Mormons committing any offense whatever against one of our people. I know not what construction the Senator may put upon the language, nor what conclusion he may arrive at, but I am quite sure the intelligent audience I addressed never misunderstood my opinion.

Mr. PUGH. Well, sir, I do not know what the audience understood; I cannot say; but the Senator's language is in print; it will go forth to the country, to the North and to the South, that in a speech to a northern audience, this was his language.

Mr. DAVIS. But you put in that what you do not find there. You talk about legislation. There was no legislation in the speech; there was nothing said there about legislation. I did not suppose the case of improper and unconstitutional legislation being permitted to stand upon the statute-book when Congress had the power to revise it, and when I knew that, although in a territorial bill to which the Senator refers, the whole power of Congress over it was omitted; nevertheless, he and others assumed the ground that Congress could not divest itself of the duty; and he did revise the laws of Kansas, and he did vote to repeal certain laws which he considered obnoxious.

Mr. PUGH. I am coming to that after a while.

Mr. DAVIS. You find nothing there about legislation. You find something about the power of the people opposed to any particular character of property; opposed, if you please, to any amount of legislation admitting the right which a citizen might claim under those laws.

Mr. PUGH. Now, let us see what the Senator said:

"If the inhabitants of any Territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless, in proportion to the difficulty of holding it without such protection. In the ease of property in the labor of man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred by the circumstances of the case from taking slave property into a Territory where the sense of the inhabitants was opposed to its introduction. So much for the oft-repeated fallacy of forcing slavery upon any community.''

Now, if a Territorial Legislature was in session and was looking about for ways and means to prevent slavery from being brought into a Territory, what could they have done better than to follow the Senator's advice?

Mr. DAVIS. Does the Senator—I ask him the question, and I put the question to his fairness and integrity—does he say there is advice there to a Territorial Legislature to pass laws embarrassing the right of any citizen?

Mr. PUGH. I say, if the Senator did not mean so to say, I will give him the benefit of it; but I certainly did understand the language so.

Mr. DAVIS. Understand that to be advice to a Territorial Legislature to pass laws embarrassing the rights of a citizen?

Mr. PUGH. No, sir; but to pass no laws.

Mr. DAVIS. You understand that to be advice to a Territorial Legislature to pass no laws to confer protection on the right of a citizen?

Mr. PUGH. The Senator certainly did not hear what I introduced this extract with, or he would not ask me. The Senator from Missouri said that the language of the Senator from Illinois, at Freeport, was taken as advice by the Territorial Legislature: and I say it was no more advice to the Territorial Legislature than this; not a bit. That is what I said.

Mr. DAVIS. The Senator has no right to say that even, because there is nothing there about legislation. The whole idea there—and it is strange to me that the Senator cannot take it in —is, that if Congress were to pass any amount of laws, such as it is possible to pass of a general character, that still certain police regulations are necessary in every community for the protection of property; that those police regulations are greater, from the nature of the property, in the case of slaves, than any other; and that in a community which was hostile, in a community which would permit every citizen to harbor a runaway slave, in a community so lost to every sense of justice that when a jury was empanneled, it would not punish one who harbored

the property and secreted the property of another, that the right of that property would be almost valueless, being restricted entirely to such as would resist the temptation of those who criminally persuaded the slave to run away from the master. There is nothing about legislation. It is merely to show that it was a fraud upon the people to tell them that Congress was seeking, by law, to compel them to receive what they were unwilling to hold.

Mr. PUGH. The Senator is not speaking of Congress in this section. The language of the Senator is not applied to Congress,

but is applied to the people of a Territory.

Mr. DAVIS. It was applied to the people of a Territory; but everybody knew my opinions. They knew them then as they do now. They knew I claimed rights under the Constitution; that I claimed Congress had power to legislate for a Territory; that the territorial organization or corporation was the creature of Congress, was its agent, and but an indirect mode by which Congress legislated in the Territories. Everybody knew my opinions. The Senator has had a chance to know them. The people there had a chance to know them. They did know them. It is nothing like the case where a Territorial Legislature was referred to as having the power by unfriendly legislation to destroy the enjoyment of a right which a citizen had under the Constitution and under the laws of Congress.

Mr. PUGH. Well, sir, I declare, without meaning any imputation on the Senator, I do not see that that altered the case a whit. I have read his language; and it may go to the country, so far as I am concerned, without another word of controversy.

Mr. DAVIS. Oh, the Senator need not talk that way. I sent it to the country. I sent it to put down cavilers who reported me as saying what I did not. I sent it to the fair and discriminating judgment of the people, that they might see what I had said, and form their own opinions. Exactly such perversions of my language as the Senator attempts was my inducement to print it and circulate it freely.

Mr. PUGH. The only perversion of the Senator's language consists in reading it.

Mr. DAVIS. The Senator has done more than that.

Mr. PUGH. From first to last, that is all.

Mr. DAVIS. The Senator has done more than read it.

Mr. PUGH. Yes, sir; and as far as giving it circulation is concerned, what further circulation it may get by being published in my speech, it shall have.

Mr. DAVIS. The Senator does not hear me, or does not comprehend me. I say I gave it circulation in order to put down unjust criticisms which were put upon my remarks by interpolating what I did not say and giving a construction to it which the language did not bear, and I leave it to stand together with the construction which the Senator has attempted.

Mr. PUGH. Well, I have read that paragraph from the Senator's speech twice, or rather I read it once and the Clerk read it once. I say again, and I leave it to third persons everywhere, if a Territorial Legislature were in session and desirous to prevent the influx of slaves, what could they have done better than to have passed no law at all, if the Senator's opinion, as

expressed in that extract, be correct?

Mr. DAVIS. I should have a hard task, I perceive, to make the Senator comprehend anything which he does not want to see; but I will tell him once and for all that the Territorial Legislatures do not pass all the police laws which exist within a State. Police boards and courts of justice usually pass the police laws or regulations which lead to the employment of patrol and other persons who preserve peace, who prevent the escape of slaves, and return them to their masters, and take up runaways and confine them until they are claimed.

Mr. PUGH. I do not see that it makes any difference whether the laws are passed by the Territorial Legislature or by justices

of the peace, if they have any such power.

Mr. DAVIS. I did not say justices of the peace passed laws. Mr. PUGH. I perceive it would be idle for me to have any further controversy with the Senator.

Mr. DAVIS. Yes, quite.

Mr. PUGH. I said the Senator was not speaking of Congress in this extract, and I will read it again with no interpolation:

"If the inhabitants of any Territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless, in proportion to the difficulty of holding it without such protection. In the case of property in the labor of man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred by the circumstances of the case from taking slave property into a Territory where the sense of the inhabitants was opposed to its introduction. So much for the oft-repeated fallacy of forcing slavery upon any community."

Now, being thrice read, I leave it. But the accusation of the Senator from Missouri was that the expression of opinion by the Senator from Illinois, in answer to a question at Freeport, in the State of Illinois, was an invitation to the Territorial Legislature to refrain from passing laws to protect slave property, and an invitation to so exercise their power of taxation and other legislative powers as to prevent the introduction of slaves. That is his charge. In order to show how groundless the charge is, I say, if the Senator from Illinois can be charged with such an offense by an expression of his opinion at Freeport, the same charge is equally good against the Senator from Mississippi for what he said at Portland; but I do not make the charge either against the Senator from Mississippi or the Senator from Illinois. The Senator from Missouri, however, proceeded, in a few minutes, to overturn his own proposition—

Mr. DAVIS. I wish the Senator would go on. I want him to say as much as he pleases in my case, and I want him in that connection to show the identity between the assertion of the right to do a thing and the admission of the power; the assertion of the right to steal and the admission of the capacity to steal.

Mr. PUGH. I do not see that it is material. I cannot see that there is anything in that. It reminds me very much of a man who might rise up before an infuriated assembly of people and tell them not to tar and feather some one, for it would be very bad, and contrary to law; but, at the same time, should go and enlarge upon their numbers and the feasibility of doing it without being interrupted. I think he could hardly escape afterwards at the bar of public opinion, by stating that he drew a distinction between the abstract right and the actual power.

Mr. DAVIS. I did not mean to interrupt the Senator again; but he goes off to make a charge against the people I addressed. They were not an infuriated mob. They were a body of intelligent men, and most of them men true to our constitutional rights; men with whom I had associated long enough to understand them, and whom I am proud to remember as my friends; men as true to the Constitution as if they lived in any other portion of the country, so far as it involves the protection of property in slaves; men who, unlike the Senator, do not grope about in old records and read scraps from the decisions of the Supreme Court to prove that there is no right of protection, and that the legislative power of a Territory is commensurate with anything which its will may dictate. I was not addressing an infuriated mob; not addressing men who sought, by any indirection, to exclude their fellow-citizens from the Territories; but

men of genuine Democracy, who recognized equality of right everywhere, who indorsed the opinions I entertained, and who indorse them still.

Mr. PUGH. The Senator may proceed with his eulogy upon himself and his audience without contradiction from me, nor shall I take notice of what I deem a very ungracious remark of the Senator, that I had groped about to pick extracts torn from their context to prove what the original was not designed to prove. I shall leave that to the country; I shall leave it to the legal profession. I did not say the Senator was addressing an infuriated mob. I said that language like that, uttered in the hearing of a Territorial Legislature, would be construed by them as a hint how to do it, just as much as if a man should address a mob under the circumstances which I stated; they would take it as an invitation.

But I say the Senator from Missouri proceeded, in a few moments, to overturn his own accusation. He said that this remark of the Senator from Illinois, at Freeport, was considered a remark uttered in the heat of debate, and that it would all be forgotten, and that no attention was further to be paid to it: yet that remark cost the Senator from Illinois the chair of the Committee on Territories in this Senate, if the Senator from California be a true witness. He had not repeated it; he had not even arrived at the Senate before, in consequence of a mere remark, he was degraded.

Mr. GREEN. Will the Senator allow me a word?

Mr. PUGH. Certainly.

Mr. GREEN. I said that when that remark was first made I regarded it as a mere accidental expression in the ardor of debate. I never said that he was removed from his position as chairman of the Committee on Territories in consequence of it—never. Others may have said so. I was opposed to his removal; and if it can restore harmony and unity in the Democratic party, I am willing to resign my place to-day, not only as chairman of that committee, but as a member of the American Senate. The good of the American Union is superior to my position either as a Senator or chairman of a committee. But the Senator from Illinois repeated that declaration in several speeches, at Memphis, at New Orleans, and other places, in his triumphal march to the Capitol. I do not know, but I suppose it was in consequence of these repeated remarks that it was taken as a settled opinion rather than as a mere accidental expression.

Mr. DOUGLAS. Does the gentleman mean that that remark

gave me a triumphal march in all the slaveholding States where

I repeated it?

Mr. GREEN. I certainly do not; but that the Senator in his triumphal march repeated the same thing. Then, however, he said always that the end was to be accomplished by unfriendly legislation, by indirect means, never by a direct territorial

prohibitory act.

Mr. DOUGLAS. I will simply state that at Freeport, in reply to a question, I did say that slavery might be excluded from a Territory by non-action and also by unfriendly legislation. I had made the same remark in the Senate over and over again, in 1850, and during every session of Congress from that time to the period when I was removed from the chairmanship of the Committee on Territories. Every member of the Senate during that whole period knew that I held those sentiments. I had been eleven times appointed chairman of the Committee on Territories by the unanimous vote of this body, after I had repeated those remarks over and over again. If gentlemen desire to make an issue on this point, I will show the fact from the record.

Mr. MASON. Will the Senator allow me to interrupt him for a moment?

Mr. DOUGLAS. Yes.

Mr. MASON. I ask the Senator if I understood him correctly to say that the opinions now avowed, and which he has heretofore avowed, of the right of a Territory by unfriendly legislation to expel slavery, or to prevent its coming there, were known to

belong to him in 1850 by every member of the Senate?

Mr. DOUGLAS. I will say this: There is no member of the Senate who has an excuse for not knowing my opinions. You can hardly open the congressional debates of that period at any page, without finding them expressed. Again in 1852, in 1853, in 1854, in 1855, and in 1856, they were uttered in the presence of every Senator then in the Senate—not once, not twice, not ten times, but just as often as the question arose. I beg pardon, however, for uttering a word; I ought not to put this into the speech of my friend from Ohio.

Mr. PUGH. I am very happy to have it there.

Mr. GREEN. Mr. President-

The PRESIDING OFFICER, (Mr. BIGLER in the chair.) The Senator from Ohio is entitled to the floor. Does he yield it to the Senator from Missouri?

Mr. PUGH. Yes, sir.

Mr. GREEN. I remarked yesterday, that after the Dred

Scott decision, no man had ever uttered the sentiment alluded to, so far as I know, until the Senator from Illinois expressed it. I knew there was a difference of opinion before; but even before that decision, neither the Senator from Illinois nor anybody else claimed that a Territory could have a power which Congress did not possess. All regarded the powers of the Territory as derivative from Congress. We did differ as to what was the power of Congress; but we all said, "We will bow with due submission to whatever decision the Supreme Court may render on that question." After it was decided that Congress had not this power, then, for the first time, the Senator from Illinois raised the question, unfortunately—I regret it for his sake and for my own and for the sake of the country—that a Territory could do it in despite of Congress, without any derivation of power from Congress; and he alone is responsible for it.

Mr. PUGH. I do not wonder that the Senator from Mississippi and I got into a heat, when so many other Senators do——

Mr. DAVIS. On account of the general declaration of the Senator from Illinois, I merely wish to say that, having had many controversies with that Senator on the territorial question, I suppose I may be as well referred to as another as one of those who, he says, must have known his opinions. In 1850, I did know him to advocate the doctrine of sovereignty in the territorial inhabitants—the power to do what they pleased, I think, was about the extent of his doctrine. I did not concur with him; I opposed that doctrine.

Mr. DOUGLAS. I must correct the Senator. I never claimed for a Territory the power to do anything inconsistent with the Constitution of the United States.

Mr. DAVIS. Oh! a State cannot do that. Sovereignty, as it is understood in our Government; sovereignty, as it exists, under the Constitution, in the States: that is what you claimed for them. The Senator's opinion, I think, went to that extent. He went beyond the venerable Senator from Michigan, now the Secretary of State; and I recollect once, in discussion between the Senator from Michigan and myself, the Senator from Illinois thought he fell so far below the true standard of squatter sovereignty that he had to take him to account. I, therefore, certainly was aware that the Senator at that period entertained the doctrine of squatter sovereignty in all its length and breadth—squatter sovereignty as we understand it; the Senator may have another name.

Mr. DOUGLAS. I do not wish to engage in a controversy with the Senator from Mississippi while the Senator from Ohio

holds the floor, and has not finished his speech. I apologized a moment ago for having done something of that kind. I will merely say that I certainly shall, from the record, controvert the Senator's recollection of our relative positions at that time; and I will say, furthermore, that he is mistaken in the position he assigns me then, although I then held precisely the opinions I do now.

Mr. DAVIS. I believe the Senator then did hold the opinions he does now; but I think there was an intermediate period when he was more sound. I think, about the period of the enactment of the Kansas-Nebraska law, the Senator was more sound than he either is now or was in 1850.

Mr. DOUGLAS. When the time comes for discussing it, I will show that at that period, on the very night the Kansas-Nebraska bill was passed, I stated that the sole object of the repeal of the Missouri restriction was, that the people of the Territory might introduce or exclude slavery through the Territorial Legislature while a Territory, as well as after they became a State; and no man who heard me then, can have an excuse for not knowing that I held that the Territorial Legislature, in the territorial capacity, could do it. The record in the Globe will sustain me.

Mr. DAVIS. I do not doubt the Senator's accurate recollection of what he said on that occasion. I had not the honor to hear him. As he is aware, I was not then a member of the Senate.

Mr. DOUGLAS. As the Senator did not hear me, I hope he will not express an opinion on my soundness at a time when he did not know what my opinions were.

Mr. DAVIS. I express no opinion on that speech of the Senator; but I think the Senator's soundness may be inferred from the general language of the bill itself. The language of the bill shows that the Senator had somewhat changed his views as entertained by him in 1850. I merely thought it necessary to say this, in order that I might not, with others, be put in the category of having indorsed the Senator through a long period, holding a certain opinion which was subsequently objectionable; for, unlike the Senator from Missouri, I am among those who do not regret that the Senator from Illinois was not continued at the head of the Committee on Territories. I thought it eminently proper, when he differed from the majority of the Senate upon the territorial question, when he held opinions which rendered him unfit to be the organ of that majority, that he should cease to be the chairman of that committee; and I have yet to learn

from himself that he would like to hold the position on such terms.

Mr. DOUGLAS. I did not know that I held opinions which were not entertained by the majority. I believe that I hold opinions which are entertained by three fourths of the Democracy of the nation. I believe I can show from the record that a majority of the Democracy of the Senate, at that time, understood the Kansas-Nebraska bill as I then did and now do. I am prepared to show from the record, also, that a difference of opinion on that question was considered no cause of discrimination in the formation of committees. I will show you, too, that in the House of Representatives, after the Kansas-Nebraska bill was passed, the question was put to Colonel Richardson, as the Democratic nominee for Speaker, whether he thought a Territorial Legislature could exclude slavery by a territorial enactment during its territorial existence, and he answered in writing; and after that answer every southern member but three voted for him as sound on the territorial question.

Mr. DAVIS. I do not know what the Senator may be able to prove from the record; but I stand upon the position which I have just assumed, that the Senator's opinion upon the power of a Territorial Legislature was deemed a sufficient cause by the Democracy for not continuing him in the position of chairman of the Committee on Territories. There must have been, then, a majority of the Democratic Senators who did not concur with him. If that be so—and it appears to be so on the face of it—then I say they had a perfect right to refuse to continue him longer as their organ on the Territorial Committee. I say it was due to themselves, it was due to him, and I recollect an eminent example. Mr. Benton, of Missouri, resigned the chairmanship of a committee, because he ceased to be in concurrence with the majority.

Mr. DOUGLAS. I wish to say one word there. I came here with no expectation of making a speech, unless I should say a few words on the monstrous and wicked outrage that has been perpetrated at Harper's Ferry. These other questions I had discussed until I was willing to let them stand on my own record. Anything that I have to say in the future on them, will be purely in self-defense; but, as I saw a disposition, as I thought, to "double teams" on me, as they did last year when a debate grew up, five or six on one; and, as the state of my health does not enable me to take each one in turn, I simply said: "Gentlemen, when you get through with your assaults on my

record, on my political character, I will reply to you in general;" but I have no assaults to make on any one.

Mr. GREEN. That is exactly my condition. My health is worse than that of the Senator from Illinois, for I am hardly able to sit here in my seat through the day; but, if he fires at the

lump, he will find a Roland for his Oliver.

Mr. DAVIS. The Senator from Illinois certainly has no right to say there is any disposition here to "double teams" on him. He got up and made a statement which was an arraignment of every Democratic Senator as having concurrently sustained him for eleven years in an opinion for which they had finally decapitated him. That certainly was not my position as one of the Democratic Senators. I chose to reply to him, and very briefly did I reply.

The Senator magnifies himself when he supposes that there is any combination against him. Why, sir, I tell him, on this side of the Chamber there are many who are willing to meet him, man to man, at any time. He altogether exalts himself above his level when he supposes there is a combination here to oppress him. I was as willing to leave him without assault as he could have been to leave me. He was not in my mind. I was not busy about him at all, and if he had not interposed in the debate to make remarks which seemed to render it proper, if not necessary, for me to respond, I certainly should have said nothing in relation to him. As to his firing on the lump, he had better get through with one before he takes the lump. He may find that he has enough to do when he finishes one man without invoking all the Democracy to stand up together in order that he may kill them at once. The Senator from Missouri gave him wager of battle. I do not know that he has ever won such triumphs over that Senator that he need to invoke somebody else to come up and aid the Senator from Missouri; and I certainly estimate the Senator from Missouri too highly to deem it at all necessary for me to interpose for any such purpose.

Mr. DOUGLAS. The Senator from Mississippi is entirely mistaken when he says I arraigned anybody. I simply denied the charge preferred against me that I had changed my position on the territorial question, and cited the fact that the opinions I now hold, as the record proves, had been entertained for twelve years, and uttered on this floor every year for eleven years, in the presence of every Senator then present, before I was removed from the chair of the Committee on Territories. When I assert that fact in self-defense, a fact that appears of record, it is called an arraignment! I have no arraignment to make. In

regard to the statement of the Senator from Mississippi that I overrate myself, I shall institute no comparison between him and me, or the modesty of my bearing and his in this body. The Senate and the country will judge of our respective bearing toward our brother Senators.

Mr. DAVIS. Will the Senator from Illinois allow me to ask him a question just there? It is simply this: do the Democratic party say you are unfit to be a chairman of a committee? Do the Democratic members of the Senate say so? We have been willing to give you the chairmanship of a committee where you would not necessarily be our organ in relation to the Territories and this particular controverted point.

Mr. DOUGLAS. The Senator can, perhaps, answer that bet-

ter than I can; as he was in the caucus, and I was not.

Mr. DAVIS. I will answer in this wise: that, so far as I know, there was no objection to your being a Democrat, as trusted and honored as before on every question except that. And now I will go further. I am chairman of one committee, and I am willing to surrender that to the Senator.

Mr. GREEN. So am I.

Mr. DAVIS. If I am not mistaken, this is not the first time a similar proposition has been made to the Senator, in order that he might understand the position of the party.

Mr. DOUGLAS. On that point I will say that a proposition was made to me, of which I did not feel at liberty to speak, by one respected gentleman and Senator who held the position of head of a committee, on his individual authority, without any authority from the caucus, to know whether I could accept it.

Mr. DAVIS. I think that Senator perfectly well understood that no war was made on the Senator from Illinois by his Democratic brethren of the Senate, and when he made that offer to him he perfectly well understood that he was running no hazard.

Mr. DOUGLAS. I was going to say on that point that I returned the answer frankly, that while I did not seek the chairmancy of the Committee on Territories, did not desire it, and yet did not decline it, I could not accept the chairmanship of any other Committee.

Mr. DAVIS. Why?

Mr. DOUGLAS. I will tell you why, and I gave the reason at the time. It was, that if the gentleman to whom I allude retired for me, Governor Bigler, of Pennsylvania, was the second on the committee, and, without impeaching others, I did not feel that I could, without violating those courtesies and amenities and proprieties which have always existed in the Senate

among gentlemen, take the place of another Senator. I was not willing to do so in violation of the established rule of promotion.

Mr. DAVIS. But if he waived that, how then?

Mr. DOUGLAS. I had no assurance that he would waive it. I made that objection, and the assurance that he would waive it has never been given to me.

I gave another reason. I should not have accepted the position if he had waived his rights, for this reason: For eleven years my opinions were no disqualification for service at the head of the Territorial Committee, and if they were not for eleven years, why should they be for the twelfth year?

Mr. DAVIS. The Senator will now see the value of the question I asked him. It is, whether he insists on making war upon this point with the Democratic Senators, or whether the

Democratic Senators seek to crush him?

Mr. DOUGLAS. I seek no war with any Senator on either side of the Chamber, and especially I seek none on political or personal issues with Democratic Senators. Every word I have said has been in defense of myself against the imputation that I had changed my line of policy, which I utterly deny. I did understand, and I understand now, that when applications are made for post offices, the question of a man's opinion on popular sovereignty is asked, and a postmaster is proscribed if he concurs with me in opinion. So with all other offices in the country. The country understands, therefore, that if a man representing this proscriptive policy is the next President, every man in the country who holds the opinions of the Senator from Ohio and myself is to be proscribed from every office, high or low. Such is now the case. Now, I want to know this: is any gentleman prepared to take the Charleston nomination with the understanding that he is to proscribe two thirds of the party, and then degrade himself so low as to seek the votes of the men whom he has marked as his victims? If no tests are to be made there can be harmony. If these tests are to be made, one third will not subdue two thirds. I do not intend to surrender an opinion, nor to try to force one on any other Senator or citizen. I arraign no man because of his opinions. I do not admit the fact that there is a better Democrat on earth than I am, or a sounder one on the question of State rights, and even on the slavery question.

Mr. GREEN. One.

Mr. DOUGLAS. No, not one. When a man tells me he will vote for me if nominated—wonderful condescension indeed! Vote for me if nominated! As if such a man could for a

moment compare records with me in labor for the Democratic party. I assail nobody, I make no tests on any one; but, at the same time, I am determined never to surrender a conscientious conviction even to secure the highest place in the Government. I repeat, if there are no assaults made on me, we shall go on in perfect harmony. I have no grievances, but I have no concessions. I have no abandonment of position or principle; no recantation to make to any man or body of men on earth. If Senators are satisfied with their own record and will let mine alone, they will get along very well. I will answer some of the assaults upon my record. I have none to make on any other Senator. If you all act on this principle, we shall get along; but if not, these discussions will be renewed. I trust that I am understood.

Mr. DAVIS. Mr. President, I dislike always these controversies of a personal character. I dislike even to descend to argue the relative positions of individuals as belonging to this or that party. I do not think it belongs to the Senate; but as it is forced upon me on this occasion, I believe I would rather dispose of it just now than to have it renewed. All the references as to those who have attacked the Senator from Illinois and his record, as to those who have made personal or political attacks upon him, and most of all, references to those who attacked him while he was sick in his bed, belong not to me. Sweepingly as he spreads it over the Senate, I am not the only one on whom that accusation does not rest.

Mr. DOUGLAS. I expressly confined it to one Senator.

Mr. DAVIS. I do not know what importance the Senator should have attached to the declaration of that individual who said he would vote for him if nominated. He seems to have given it very little importance, rather to have cast it from him as a thing beneath him. Now, perhaps the individual meant as little; perhaps the individual attached as little importance to his promise as the Senator does; for he may not have considered it in the catalogue of chances that it would ever happen. There, again, I happen to be a person who could not have been referred to. I do not know who made that remark to which the Senator alluded.

But why do we hear again and again revived this idea of an assault upon the Senator? Is it to restore that Democratic harmony of which he speaks as the harbinger of success? How is it possible that the Senator has learned that there was a purpose to proscribe him, or how is it possible the Senator has learned that the basis of action of the Departments is such as he

has stated on this occasion? How could he know that the Postmaster General or the President asks such questions and applies such tests to candidates and incumbents in office? could only get it from those who came to him to make him the depository of their complaints—the disappointed who came to him to get his sympathy, or, perhaps, the expectants that came to him to get his future support. It would be quite impossible that he could obtain it from the head of the Department or the head of the Government—the only persons who could have properly given any such information. Now, I ask of the Senator, is it quite fair to those high functionaries, is it quite worthy of himself, to make such an allegation, impossible as it is that he can have the proof to sustain it? Why set himself up as the particular object for the sympathy of Democrats who are to be proscribed? He admits that some time ago a Senator came to him and offered to give him, so far as he could transfer to him, the position of chairmanship of the Committee on the Post Office and Post Roads, a position which he must have felt to be one interesting to his constituents, where he might labor effectively for them, where he might lav his hand upon this very abuse of which he has complained to-day; but he declined it for reasons which he has given. I sought to learn from him whether there was not also the other reason, the determination to make that question whether he should be chairman of the Committee on Territories or not, one which the Democracy of the Senate should decide, and if they decided it adversely, he would consider it a ground of complaint?

Mr. DOUGLAS. I thought I said, and if not, I will say now, that I never had a determination to make it a cause of complaint, because there was a fixed purpose on my part never to allude to it publicly in any way whatever; and I never should have done so, but for the fact that it seemed to be thrown before me here in these discussions, and I was compelled to speak; but I will say, that I did feel that, the courtesies of the Senate, in this respect, having been violated for the first time, so far as I know, in the history of the Senate, in my person, self-respect required that I should take no other place, while I sought no place what-

soever.

Mr. DAVIS. I really feel what the Senator has expressed—a desire to avoid any controversy which will separate those between whom there is political affiliation. Towards the Senator himself I can have no personal animosity. Many years of joint labor and generally of coöperation, leave a great many kind remembrances with me in connection with him. I would do

nothing to degrade him, nothing to wound his just sensibility, and I but expressed what the favorable opinion I had so long entertained of him I thought justified, when I said that I had not heard him complain; and I might have gone further, and said that I expected him, when notified that the majority of his own party did not concur with his sentiments in relation to territorial government, to say: "I am unfit to be your organ, and I do not wish to be so."

Mr. DOUGLAS. I beg the Senator to remember that I was never notified of it, but was removed from my position when I was fifteen hundred miles off, without notice.

Mr. DAVIS. In the Senator's absence, I suppose the committees were to be organized. Could they have been organized by putting him at the head of the territorial committee, and afterwards requiring him to vacate? Certainly not. Was it not sufficient, when he learned that their opinions so far differed from his that he could not be their organ on these questions; and did he not still occupy high and responsible positions on other committees as well as on that? Was he not on the Committee on Foreign Relations, which stands first in the order of the Senate? Was he disturbed on the Committee on Public Buildings?

Mr. DOUGLAS. Yes, sir.

Mr. DAVIS. I did not know that.

Mr. DOUGLAS. Certainly; if you look at the list you will find it so.

Mr. DAVIS. It is this session. We served together on that committee last session.

Mr. DOUGLAS. I know we did; but I am dropped from that this year. Territories last year, and Public Buildings this.

Mr. DAVIS. I venture to say, without having any conference with the gentlemen who arranged the committees, that if he was dropped, it was for no reason personal to him.

Mr. DOUGLAS. I presume so.

Mr. DAVIS. But it was only in the arrangement of committees, to distribute them as equally as possible over the whole number of Democratic Senators. I have never had myself that sort of interest in the arrangement of committees which others manifest. I always look on exemption from a committee as a privilege.

Mr. DOUGLAS. So do I.

Mr. DAVIS. I always considered it was merely saving you that amount of labor. I am on three committees now, and I am ready to go off either of them any day.

Mr. DOUGLAS. I reciprocate that sentiment perfectly.

Mr. DAVIS. Why then should there be this controversy about the Senator's position upon the Committee on Territories? It has no value here; it is understood here; it is a small thing here; it is an ordinary thing here. I might have quoted the Senator from Maine, [Mr. Hamlin,] in connection with my reference to Mr. Benton's conduct on a former occasion. He had been put at the head of a committee by the Democratic party. He ceased to affiliate with the Democratic party because of difference on a particular question. He then said:

"I do not wish to retain this position; I am no longer in the condition I occupied at the time you conferred it on me. I resign it."

It is not an extraordinary proceeding. It has received importance in this case from the attention that has been directed to it. It would have passed by like any other occurrence of similar importance, if no attention had been directed to it.

I do not know whether the Senator, in appealing to those two thirds whom he says were liable to be proscribed, means to say that there is the party that were to keep him in as chairman of the Committee on Territories. I have some faith, however, that in the good sense of the Democracy of the country, they will believe that the Senate can arrange its own committees, and that

it has justifiable reasons for any change it makes.

Then, why this idea that somebody is likely to be elected who will court the votes of a particular class in the country, and then turn round to sacrifice them for their opinions? The Senator himself is aware that we did not object to him upon any other committee. Why, then, does he suppose any person in the Senate, or any person of similar character out of it, would object to any Democrat for an office which did not involve that particular point? I certainly, for one, am ready to say that I should not vote to confirm a person holding these opinions to go to a Territory, there to act as a judge or a marshal or a Governor; but I should have no objection to voting for his confirmation as marshal of a State or postmaster or judge of the district court—any of the offices to which the case did not belong. To illustrate still further: I should object to any man being a district attorney or district judge whose constitutional opinions or whose conscientious feelings would not allow him to execute the fugitive slave law.

Mr. DOUGLAS. Of course.

Mr. DAVIS. He would be unfit for the place. If he was a gentleman, he would not accept it; he would feel that he could

not do his duty in the place, and he would refuse to hold it. It amounts merely to this: that, where there is a difference between Democrats in opinion upon a particular point, that marks a particular position to which he is not suited, if a majority of the party differ from him. Then, why this attempt to discriminate between northern and southern Democratic Senators? If there is anything which draws the Democratic party near to my heart and makes me proud of it, it is the hope, was recently the conviction, that there is but one sentiment from one end of the Union to the other pervading that great body-politic. Why, then, this attempt to array Democrats of one section against those of the other? If we are divided by geographical lines, if opinions are to be determined by latitude and longitude, and not by reference to the great charter of our political liberty, the party has no value; and, whenever that is so, I am ready to cease to be numbered with it.

But, sir, proud as I have been of the large vote which the Democratic candidate received in the northern States numerically, exceeding by far the votes given to him in the South, I must say that they contributed but little to elect him to the Presidency. It is the electoral votes which are to be counted in that contest. The Senator from Illinois, looking forward to the case which he has himself supposed, and which otherwise I should not refer to, of being the nominee at Charleston, must count the number of electoral votes that he can get; and in that view of the case, the southern States rise to an importance not to be measured by the numerical standard he presents.

Mr. DOUGLAS. I am glad to hear you on that point, for we stand on the same footing in that respect: The convention of Mississippi has acted, as well as other conventions. [Laughter.]

Mr. DAVIS, (after a pause.) Oh! I did not know what the Senator was at. [Laughter.] As for me, I am one of the rank and file.

Mr. DOUGLAS. So am I. [Laughter.]

Mr. DAVIS. Well, let it go.

Jefferson Davis to Fernando Wood.1

Senate Chamber Jany. 16, 1860

My dear Sir,

Pardon my seeming intrusion when in compliance with a request I bear testimony to the talent and usefulness of Mr. Wynd-

¹ From collections of Robert Fridenberg of New York City, who generously allowed its publication,

ham Robertson as a writer for a political journal, and express the satisfaction I should feel at his employment in the Editorial department of your national democratic paper the News.

Very truly yr. friend

JEFFN DAVIS

Hon. Fernando Wood.

Remarks of Jefferson Davis on Senator Douglas' resolutions concerning invasion of states. Jan. 26, 1860.

Mr. HUNTER. If there be no further morning business, before the debate commences on the order of the day I ask to be allowed, by general consent, to call up the resolution of the Senator from Illinois, [Mr. Douglas,] in order to make it the special order for Tuesday next. I desire to speak to that resolution. I do not wish to interfere with the debate of to-day, or with the Senator from Tennessee, [Mr. Nicholson,] who will probably wish to speak on Monday. If, then, it be the pleasure of the Senate, I should like to call up that resolution in order to postpone it until half past one o'clock on Tuesday next.

The VICE PRESIDENT. If there be no objection, the following resolution, offered by the Senator from Illinois, will be

considered as before the Senate:

Resolved, That the Committee on the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and punishment of conspiracies or combinations, in any State or Territory, with intent to invade, assail, or molest the government, inhabitants, property, or institutions of any other State or Territory of the Union.

Mr. HUNTER. I move to postpone the further consideration of the resolution, and make it the special order for half past one o'clock on Tuesday next.

Mr. DAVIS. I ask the Senator from Virginia whether he has any particular preference to speaking on that resolution?
Mr. HUNTER. I have. I prefer that to the other resolution.

Mr. DAVIS. Before postponing it, I have one or two remarks to make in relation to that resolution.

Mr. HUNTER. If the Senator objects, I will not press the motion.

Mr. DAVIS. No, I do not object to your postponing it. I

am perfectly willing that you should speak upon it; but I wish to make one or two remarks in relation to the resolution before it is postponed.

Mr. President, I must confess myself rather at a loss to perceive the object of the resolution. Before the resolution was introduced, the Senate had ordered a select committee to examine into the facts of the Harper's Ferry raid, and surely with a view to determine what legislation was necessary. this select committee was engaged in its investigation, the Senator from Illinois introduced a resolution to refer the question of enacting laws upon that subject to the Committee on the Judiciary; wherefore, I could not comprehend, unless it was that the Senator intended to speak to his own resolution. That end having been answered, I do not see why it should be any longer entertained. If it be the purpose of the Senate to transfer the question from the select committee which it has raised to the Committee on the Judiciary, then the select committee ought to be relieved and discharged. They are going on from day to day, nearly every day in the week, engaged in the investigation—investigation with a view to the very point of what legislation is necessary; which is a matter certainly to be determined better after the facts have been ascertained than before. It so happened on the morning the Senator from Illinois made his address on this resolution, that I was engaged in the select committee, inquiring into the facts connected with this Harper's Ferry raid; I therefore did not reach the Senate until after he had commenced his remarks; but this morning I learned from the printed report of his remarks he took a position which I deem it proper at this early day to notice. resolution being before the Senate, the Senator, addressing it, referred in the beginning of his address to a correspondence between the Governor of Virginia and the President of the United States. The President, he says, replied to the Governor of Virginia on the 28th of November, and he quotes a single sentence of that reply:

"I am at a loss to discover any provision in the Constitution or laws of the United States which would authorize me to 'take steps' for this purpose."

The Senator inserts in brackets, "that is, to preserve the peace between the States." He went on to say:

"This announcement produced a profound impression upon the public mind, especially in the slaveholding States. It was generally received and regarded as an official and authoritative announcement that the Constitution of the United States confers no power upon the Federal Government to protect the several States of this Union against invasion from the other States."

Now, sir, I deny that any such sensation was created in my breast, or any one with whom I communicated. I do not know that there is in the length and breadth of the land one man who denies the power of Congress to legislate for this purpose. The injustice which the Senator, however, does to the Executive of the United States, is in presenting him in the attitude of denying that the Federal Government has any power to protect the several States of this Union against invasion from other States. The answer of the President was, that he had no power, under the Constitution or laws of the United States, to perform that which Governor Wise requested. What did Governor Wise request? That combinations in the other States, organized with a view to invade Virginia to rescue a criminal from execution, should be broken up. That the position of the President may be exactly understood, I will send to the Secretary's desk the President's letter and that of the Governor of Virginia, and ask that they be read.

The Secretary read, as follows:

RICHMOND, VIRGINIA, November 25, 1859.

Sir: I have information from various quarters, upon which I rely, that a conspiracy, of formidable extent in means and numbers, is formed in Ohio, Pennsylvania, New York, and other States, to rescue John Brown and his associates, prisoners at Charlestown, Virginia. The information is specific enough to be reliable. It convinces me that an attempt will be made to rescue the prisoners; and if that fails, then to seize citizens of this State as hostages and victims in case of execution. execution will take place next Friday, as certain as Virginia can and will enforce her laws. I have been obliged to call out one thousand men, who are now under arms, and if necessary shall call out the whole available force of the State to carry into effect the sentence of our laws on the 2d and 16th proximo. Places in Maryland, Ohio, and Pennsylvania, have been occupied as depots and rendezvous by these desperadoes, unobstructed by guards or otherwise, to invade this State; and we are kept in continual apprehension of outrages from fire and rapine on our borders. I apprise you of these facts in order that you may take steps to preserve peace between the States. I protest that my purpose is peaceful, and that I disclaim all

threats when I say, with all the might of meaning, that if another invasion assails this State or its citizens, from any quarter, I will pursue the invaders wherever they may go, into any territory, and punish them wherever arms can reach them. I shall send copies of this to the Governors of Maryland, Ohio, and Pennsylvania.

With due respect and consideration, yours truly,

HENRY A. WISE.

To his Excellency, James Buchanan,

President of the United States.

Washington City, November 28, 1859.

SIR: I received, on yesterday, your favor of the 25th instant, stating that you have received information from various quarters, on which you rely, "that a conspiracy, of formidable extent in means and numbers, is formed in Ohio, Pennsylvania, New York, and other States, to rescue John Brown and his associates, prisoners at Charlestown, Virginia." The information, you believe is "specific enough to be reliable;" and you are convinced "that an attempt will be made to rescue the prisoners, and, if that fails, then to seize citizens of this State (Virginia.")

ginia) as hostages and victims in case of execution."

You do not communicate the facts on which your convictions are founded; in the absence of which, it would seem almost incredible that any portion of the people of the States mentioned should be guilty of the atrocious wickedness, as well as folly, of attempting to rescue convicted traitors and murderers from the penalty due to their crimes under the outraged laws of You express entire confidence, in which I heartily participate, that the noble old Commonwealth is abundantly able and willing to carry her own laws into execution. Had this been otherwise, and had you, as the Governor of Virginia, (the Legislature not now being in session,) made application to me for the aid which the Constitution and laws of the United States would enable me to afford, this should have been cheerfully and cordially granted. Still, there is one measure which, on the presumption that your information is well founded, it is both my right and my duty to adopt—that is, to reinforce the guard already stationed at Harper's Ferry. This may become necessary, not only to protect the public property clearly within Federal jurisdiction, but to prevent the insurgents from seizing the arms in the arsenal at that place, and using them against the troops of Virginia. Besides, it is possible the additional troops may be required to act as a posse comitatus, on the requisition of the marshal of the United States for the western district of Virginia, to prevent the rescue of Stevens, now in his custody, charged with the crime of high treason. I have, therefore, as a precautionary measure, directed the Secretary of War to order two companies of artillery to proceed immediately from

Fortress Monroe to Harper's Ferry.

You also inform me that "places in Maryland, Ohio, and Pennsylvania have been occupied as depots and rendezvous by these desperadoes, unobstructed by guards or otherwise, to invade" Virginia; and you apprise me of these facts in order that I "may take steps to preserve peace between the States." I am at a loss to discover any provision in the Constitution or laws of the United States which would authorize me to "take steps" for this purpose. It is, doubtless, the imperative duty of the respective State governments to break up such depots, and to prevent their citizens from making incursions into Virginia to disturb its peace or prevent the execution of its laws. If the Federal Executive, however, were to enter those States, and perform this duty for them, it would be a manifest usurpation of their rights. Were I thus to act, it would be a palpable invasion of State sovereignty, and, as a precedent, might prove highly dangerous. My authority for calling out the militia, or employing the Army and Navy, is derived exclusively from the acts of Congress of the 28th February, 1795, and the 3d March, 1807, which, clearly, do not embrace such a case as is now presented. It will not be pretended that such incursions from one State into another would be an invasion of the United States "from any foreign nation or Indian tribe," under the act of February, 1795, rendering it lawful for the President to employ the Federal forces "to repel such invasion."

In conclusion, I beg to express the hope that, whether the information you have received be founded in truth or not, the energetic measures already adopted under your direction will prove sufficient for any emergency that may occur. Yours, very

respectfully,

JAMES BUCHANAN.

To his Excellency Henry A. Wise, Governor of Virginia, Richmond, Virginia.

Mr. DAVIS. Mr. President, surely it will not be——
The VICE PRESIDENT. It is the duty of the Chair to call up the special order at this hour, [half past one o'clock.]
Mr. DAVIS. I move to postpone the consideration of the special order for a few moments.

The VICE PRESIDENT. If there be no objection, the Sena-

tor from Mississippi will proceed.

Mr. DAVIS. I shall occupy but very little time. In the letter of the President, which has just been read, it must be apparent to every one that he did not deny the power of the Federal Government to pass any laws which might be necessary

to preserve peace between the States. He said the Constitution and laws of the United States did not confer upon him the power to do that which Governor Wise sought. The Constitution conferred no power on the President to call out the militia in any case. The clause of the Constitution quoted by the Senator from Illinois conferred that power upon the Congress. Our fathers, when they framed this Government, cast from them the rubbish of past ages, exploded the idea of the Divine right of the agents of Government, and recognized the sovereignty of the people from whom was derived the great functions which belong to the constitutional Government of the United States. They did not give the President the power to call out the militia. They invested the President with no discretion as to when he would use his power to preserve peace between the States. It was the wise policy of the men who framed this Government to fetter their agents, to give them the least possible discretion, and leave all the residuary power in the hands of the people of the United States. The Executive, therefore, from the Constitution, derived no power in relation to this subject. Congress possessed the power of calling out the militia to repel invasion and suppress insurrection. Congress delegated to the President so much as the Congress chose the Executive to exercise. The President. therefore, properly refers to the acts of Congress from which he derives his authority—the acts of 1795 and 1807; the one conferring the power for the militia, the other for the Army and Navy of the United States. Under those laws the President possesses just so much power as Congress gave him-no more; and those laws, to use the language which he quotes, are to prevent invasion from an Indian tribe, or from a foreign Power. If there had been insurrection within the State of Virginia, he said, the Legislature not being in session, and it not being possible to convene it in time, and the Executive had called upon him, he would have used the whole power which he possessed under the law; but the President said well and wisely, as became a States-rights man, he not only does not possess the power to go into a State to discover what illegal organization may there exist, but that it was a power which would be dangerous in its exercise if it were possessed.

I welcome, sir, the apprehensions of the President of the United States; and never would I enact a law which would clothe the Executive with the power to call out the militia, to bring the Army and the Navy, to invade a State to discover who within that State had in his breast the purpose, at some future day, to commit crime. If there be unlawful, treasonable organizations

within a State, it belongs to the State sovereignty to inquire and to punish the offender. Why, sir, we are about to forget that this is a Confederation, held together by a great treaty; we are about to forget that the States united voluntarily under the Constitution, and thus and to that extent only became a nation; we are about to reduce it to a mere centralized Government, investing the Executive with a discretion which would crush all the power of the States, and reduce the sovereignty of the States to a merely nominal thing. It is true, the Senator from Illinois, in this criticism upon the President, quotes another article of the Constitution:

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic violence."

I see no issue from this between the Senator and the President, if he will construe his letter fairly. The President never said the Federal Government had not all the powers which are prescribed in the Constitution. He used the personal pronoun—he, the Executive of the United States, had not powers beyond those which had been conferred upon him by the two acts which he recited. Who can gainsay this? But it is upon this basis the Senator informs us that

"The denial of the existence of such a power in the Federal Government has induced an inquiry among conservative men—men loyal to the Constitution and devoted to the Union—as to what means they have of protection, if the Federal Government is not authorized to protect them against external violence."

I trust, sir, that the "men loyal to the Constitution and devoted to the Union," the "conservative men" who are thus deeply concerned for the safety of the Constitution, will look into the Constitution which binds these States together; that they will revert to the great principles upon which that Constitution was founded; that they will remember the rights of the people, the rights of the States; that they will dispel their apprehension, and that they will find, in the letter of the President, that he has never denied the power of the Federal Government; that he has never denied the power of Congress to pass laws to carry out all the provisions of the Constitution; never denied his willingness to execute any law which Congress

might pass giving him the means to do whatever is needful and proper to preserve the peace between the States.

It is proper for me, Mr. President, to say that it is in no feeling of partisan warfare between the Senator and the President, if such exists, that I have made the explanation. It is in the deep interest I feel for the preservation of sound principles, and the restriction of the Federal Government from striding over the sovereignties of the States to usurp such centralizing power, under the promptings of a momentary expediency, as would destroy the great charter of our liberty, and reduce the people to that condition from which they rose—the subjects of a Government not within their own control.

Mr. DOUGLAS. I think, if the Senator from Mississippi had carefully read my speech, he would have found no necessity for vindicating the President of the United States from any criticism that I had made upon his letter, or from any issue that I had made with the President growing out of that letter. Certainly, in my speech, there is no criticism upon the President, none upon his letter, no issue made with him; on the contrary, an express disclaimer of any such issue. I quoted the paragraph from the President's letter in reply to Governor Wise. The Governor of Virginia had notified the President of the United States that there were in existence, of which he had reliable evidence, conspiracies and combinations in Ohio, Pennsylvania, New York, and other States, to invade the State of Virginia for the purpose of rescuing certain men convicted of high crimes; and that there were depots of arms and places of rendezvous fixed in the State of Maryland for these desperadoes: and he communicated these facts to the President of the United States that he might take steps to preserve peace between the States. The President replies—I quoted his language, and I will quote it again:

"I am at a loss to discover any provision in the Constitution or laws of the United States which would authorize me to take steps for this purpose." [That is preserving the peace between the States.]

The President was unable to discover any provision in the Constitution, or in the laws of the United States, which would authorize him to interfere. After quoting that, I stated:

"This announcement produced a profound impression upon the public mind, especially in the slaveholding States. It was generally received and regarded as an authoritative announcement that the Constitution of the United States confers no power upon the Federal Government to protect the several States of this Union against invasion from the other States. I shall not stop to inquire whether the President meant to declare that the existing laws confer no authority upon him, or that the Constitution empowers Congress to enact no laws which would authorize the Federal interposition to protect the States from invasion."

My impression from reading the President's letter was that he was inclined to the belief that the Constitution conferred no power upon the Federal Government to interfere. That was my impression from his language; but still, it might be that such was not the President's meaning, and that he only wished to be understood as saying that existing laws conferred no authority upon him to interfere. Hence, in order to make no issue with the President upon that subject, I stated, I shall not stop to inquire whether he meant to be understood as denving the power of Congress to confer authority, or denying that the authority was yet conferred. My simple object was to obtain suitable legislation to redress similar evils in the future; that if the present laws were not sufficient—I believe there are none on the subject-Congress ought to enact suitable laws to the extent that the Constitution authorized, to prevent these invasions. I quoted it for the purpose of showing the necessity of legislation by Congress. My argument was founded upon that supposed necessity. I proceeded to demonstrate that the Constitution conferred the power on Congress to pass laws necessary and proper to protect the States, and I called upon Congress to exercise that power. I made no issue with the President. If he simply meant to be understood as declaring that the existing laws do not confer the authority, I concur with him. If he wished to be understood, when he declared that he was at a loss to discover any provision in the Constitution or laws of the United States that conferred any such authority, that the Constitution did not authorize Congress to pass such laws, then I should differ with him; but I carefully avoided putting any construction upon his language as to his meaning. If it meant one thing, I differed with him; if it meant the other, I agreed with him; but as my object was to demonstrate the necessity for legislation, I confined myself to an argument in favor of such legislation. Now, sir, I respectfully submit that I made no assault upon the President in connection with that question; I had no such motive, as the Senator seems to suppose, of a partisan issue between the President and myself. I have no more motive for that than the Senator has, or than there is between the Senator and myself. I think my remarks clearly show that I was asking for practical legislation, simply for the purpose of executing a plain provision of the Constitution.

But the Senator intimates that the legislation of which I spoke would lead to an act of usurpation that would endanger the rights of the States, and yet goes on to prove that the President of the United States does not differ with me in regard to that constitutional power. If the President agrees with me on that point, I am glad of it. If he differs with me, it would not change my opinion nor my actions; but I respectfully submit, when I only propose such legislation as the Constitution authorizes and requires, it is hardly fair to say that that means an attack upon the sovereignty of the States.

Mr. DAVIS. I would ask the Senator whether he proposes legislation which will authorize the Executive to go into a State to see whether there is any combination of persons there with intent to commit some illegal act.

Mr. DOUGLAS. The legislation that I propose on this point of combinations, which was clearly explained in my speech. was this: that it shall be proper for the grand juries of the United States courts to indict all men who shall form conspiracies or combinations to invade a State or to disturb or molest its citizens, property, or institutions; and that it shall be proper for the petit jury in the United States courts, under the judge, to try and convict the conspirators, and to punish them by confinement in the penitentiaries or prisons within the respective States where the conspiracies or combinations are formed. That was the power that I proposed should be conferred by law on the Federal courts. I never proposed to intrust to the President an army to go and seek out conspiracies, to seek out combinations, and to punish them by military rule. My whole argument was that the Federal courts should have jurisdiction over these conspiracies and combinations; that the conspirators should be indicted, tried, and convicted according to law, and punished to the extent of their power. But in case of an organized body of men, or a military force in the act of invading, I would confer authority to use military force to the extent necessarv to prevent that—not the conspiracy.

Mr. DAVIS. He has got that now.

Mr. DOUGLAS. The Senator says he has got that power now. The President of the United States, I apprehend, thought not, for this reason: He said the only power he had got was the authority conferred by the two acts to which he alluded, to

wit, to protect the United States against invasion from foreign Powers and Indian tribes; and he stated that the invasion of one State from another State did not come within the specifications of the statute for protecting the United States against foreign Powers and Indian tribes. If the Senator thinks that that power is there, when we get the legislation before us, it will be proper to make amendments which will reach each objection he may raise. The two propositions I maintained in my argument, and those provided for in my resolution, were these: first, to protect each State against invasion—the case of actual invasion being then in process of execution; second, to make it criminal to form conspiracies and combinations in any State or Territory, or any place within the United States, against the institutions, property, or government of any other State or Territory of this Union. Those were the propositions.

Mr. DOOLITTLE. At that point I wish to ask a single question: whether it would also include conspiracies to attack

or to overturn the Government of the United States?

Mr. DOUGLAS. Conspiracies to attack or overturn the United States! Certainly I would indict any combination or conspiracy to subvert the United States.

Mr. DOOLITTLE. I merely wish to understand the Senator. Mr. DOUGLAS. Certainly I would do it. I believe in punishing, by law, crimes against the Government to the extent that the Constitution authorizes.

But the Senator from Mississippi does not know what my object was in bringing in my resolution. The resolution upon its face states its objects—to protect the States against invasion, and to furnish the legislation necessary for such protection, for the reason that it is admitted there is no such legislation now as authorizes such protection. Then, it is said, why send it to the Judiciary Committee instead of the select committee of investigation on the Harper's Ferry invasion? I stated that the other day in my speech. I had understood, although not in the Senate at the time, that the chairman of the select committee had expressed a doubt of the constitutional power of Congress to provide such legislation. If a select committee to inquire into the facts had been constituted so as to leave doubts of the power, I desired to send the question to the Judiciary Committee, the standing committee of this body, organized and selected because of its supposed legal learning and its capacity to judge whether or not the Congress had that power. I believe the power exists; I believe it is clear; and I want the judgment of the Judiciary Committee, the regular committee of this body, on that point; and that is the reason why I proposed to refer it to the Judiciary Committee. I have no objection, if Senators prefer it, that it should go to the committee on the Harper's Ferry outrage; but clearly I would rather have a report from a committee that had not prejudged the question before argument, whose chairman had not committed himself in debate, than one who had done so. I know the pride of opinion of gentlemen upon questions when they may have expressed or intimated an opinion without due reflection.

Mr. DAVIS. With the permission of the Senator, he asserts what does not exist. The committee are not committed to any opinion on the subject. I do not think there is a member of the committee who has ever entertained a doubt of the power of Congress to legislate to prevent the invasion of a State from any quarter, except a doubt expressed by the chairman, which was when the subject was first brought up. I am sorry that he is not here. If he were here, I think he would say he entertained no longer doubts on that point.

Mr. HUNTER. I think it was a mere doubt that he expressed.
Mr. DAVIS. It was a mere doubt, and committed him to nothing.

Mr. DOUGLAS. I am delighted to hear that there is not a member of the committee who entertains a doubt on this point.

Mr. DAVIS. It was not necessary to tell it; everybody knew it.

Mr. DOUGLAS. Well, sir, that being the case, if the power is clear, and if there is not a doubt in the minds of Senators about the existence of the power, certainly the intimation that I was going to subvert the sovereignty of the States, by executing a clearly granted power of the Constitution, was entirely unnecessary.

Mr. DAVIS. That is an unfair inference.

Mr. DOUGLAS. My proposition simply is to carry out that

provision of the Constitution by Federal legislation.

Mr. DAVIS. If the Senator will permit me, that is the second time he has quite misstated my position. For the benefit of his argument as he progresses, I will restate it to him. I argued that there was no doubt at all of the power of the Congress to pass laws to prevent the invasion of a State. He could have had no doubt about that; because the word "foreign," which was in the original draft of the Constitution, was stricken out. The limitation which he puts upon it in his speech is in the law merely; it is not in the Constitution. The constitutional power is good enough. The Congress is to make

the laws; and they have not made a law that transferred the power to the President, except in the cases enumerated by the Congress. But, sir, that power which I spoke of, as trampling on the rights of the States, was a very different one; and I must have been unfortunate, indeed, for the Senator so greatly to have misunderstood me. I spoke of the power he seemed to desire to confer on the Executive to send into a State to inquire whether men were there, organized for illegal purposes, to invade the sovereignty of a State—not to prevent the invasion of a State, but to invade the sovereignty of a State—there to inquire whether illegal combinations existed or not. I made no objection to the exercise of the power of the judiciary. I should be surprised to learn that the judiciary, the grand jury of the circuit court, or district court of the United States, could not now take cognizance of treason against the United States—overt acts such as the Senator describes.

Mr. DOUGLAS. I should have been unfortunate, indeed, if I had left the slightest reason for any one to suppose that I proposed to authorize the President, with the Army or the militia, to search for conspiracies and punish them in the States.

Mr. DAVIS. Or the President with his posse.

Mr. DOUGLAS. Any military authority. I say I should have been unfortunate, indeed, if I had authorized, from what I said, such an inference; but, sir, read my speech, and there is no possibility of drawing such an inference from it. I said expressly my object was to confer upon the judiciary the power to suppress and punish the conspiracies and the combinations. That intent is expressed on the face of the resolution itself—to suppress and punish conspiracies and combinations in any State or any Territory against any other State or Territory; and in my speech I go on to explain that the mode will be by indictment in the United States courts, and conviction in those courts, and confinement in the prison. Hence, the Senator could not have read my speech, or he never would have fallen into the great error of supposing that the conspiracies or the combinations were to be put down by the military power.

But the Senator now wants to know whether or not, under the existing laws, the United States courts have not the right to punish treason against the United States? I take it for granted they have; but does this come within the purview of those laws? Treason against the United States is defined in the Constitution to be in the levying war against them; not the inroad of one State to another State, but in levying war against them—against the United States, against the Federal

authority; the subverting of the Federal authority, or the invasion of the United States from a foreign Power, with a view to subvert the United States, or rebellion in it in levying war to subvert the Government and authority of the United States. I apprehend, sir, that the legislation in this case is necessary to reach the conspiracies of one State against another; and I specified clearly in my argument what those conspiracies were —a conspiracy in one State to run off negroes or slaves from another State; or a conspiracy in one State to run off horses or other property from another. I referred to the hoasts of John Brown, in a lecture in Cleveland last year, in which he proclaimed to the world that he had a body of men organized for the purpose of stealing horses from the slaveholders in Missouri and running them off for sale; and he pointed to the livery stables in Cleveland where the horses were then exposed for sale. I spoke of combinations and conspiracies with a view to overpower the citizens of a State at the elections; to control their institutions, or to subvert their government, or disturb their people, or their tranquillity in any way. These were the classes of conspiracies of which I spoke, which do not, in my opinion, come within the law in respect to treason; which ought to be punished just as much as treason, and which I proposed to provide for by law. I did not suppose that what I had said upon that subject could possibly be open to a just criticism from any quarter. I am certain that the Senator from Mississippi would not make that criticism if he had carefully read my speech, and seen what my meaning was. I know it cannot be in the mind of that Senator to put a man in a false position by a misconception or misstatement of his position; his character forbids that; but still I assert I was exceedingly unfortunate if my whole train of argument does not exclude the conclusion that he has drawn from it.

Mr. DAVIS. I will not trespass long upon the time of the Senator from Massachusetts, and I am sorry to consume another moment of it. I believe it will be recognized, at least on this side of the Chamber, that I have done some good service this morning. I called the attention of the Senator from Illinois to the position which he occupied in the first part of his speech which I read; and he has explained it until I find that the Senator from Illinois and the President seem to concur exactly. The Senator from Illinois did not want the Executive to have the power to use the Army and the militia and the Navy to go into a State to discover whether there were illegal combinations there or not. That is the only point against which

the President seemed to argue. As to the rest, the President merely referred to the law not having conferred upon him the power; and the Senator says, certainly the law did not. But the President did not say the law did not confer upon him authority, as far as he could, to preserve peace by the exercise of any powers which he did possess; and thus he did exercise it by sending troops to Harper's Ferry to protect the public property there, and if need be to act as a posse. I am very glad, therefore, that I have got the Senator and the President exactly upon the same basis; and if the Senator had read a little further in that letter of the President, it would not have been necessary, perhaps, for me to have quoted the language which the Senator employed in connection with the very short extract which he made from the letter of the President to the Governor of Virginia.

But the Senator has said some things which I will very briefly notice. He wanted to know what it was that I would consider trampling upon the rights of the States, and I told him; and though he had said much upon that subject, he went on to speak of the invasion of one State by another State, and the power not existing to punish under the judiciary. Has the Senator forgotten that the very purpose for which we abandoned the Confederacy and established a Union was to get a Government that would act upon individuals and not States? The Confederacy attempted to act upon States, and it was a complete failure. The wise men of that day then formed a Government which would act upon individuals; and this General Government has no power to lay its hands upon a State-none. Why, then, talk about the judiciary not under existing laws having the power to proceed against the invasion of one State by another State?

Mr. DOUGLAS. I did not speak at all of an invasion by a State. I spoke of an invasion of one State by citizens of another State. I did not say a word on the other point, one way or the other.

Mr. DAVIS. I think you will find both. If, then, the Senator confines his remark to persons within a State who committed this offense of invading the peace and disturbing the tranquillity of another State, as it was a crime, I suppose it would be punishable in the courts under existing laws; but if not, surely I need not, at this day, say I am ready to give whatever additional legislation may be required. I cannot suppose the President would hesitate to approve any law which gave that additional power to the courts. I trust he would

hesitate, I trust he would refuse, if we ever should be weak enough to attempt to confer upon the Executive the power to go into a State and there use his executive functions to break up even illegal and treasonable combinations. It was to that to which his letter was addressed. It was not whether the courts in Pennsylvania could punish these men for illegal combinations: it was whether the President of the United States could go into Pennsylvania and Ohio to break up these illegal combinations, and to prevent them from making a raid upon Virginia. Therefore, I think the Senator should be at least a little temperate when he repels the idea that his remarks were directed, in his criticism upon the President's position, to something else than the position which the President occupied. If I had understood he entirely concurred with the President that this power was not possessed; if I had understood he entirely concurred with the President that it would be a violation of State sovereignty for the Government to attempt to exercise such a power, then my remarks would not have been made. But then I would have failed to see why he should have criticised the President.

But the Senator speaks of treason as being an offense against the United States. Does he mean that the attack must be made upon all of the thirty-three States of the Union to make it treason? that it is necessary to attack every State of the Union before it becomes treason against them? Surely the Senator does not mean that. An attack upon one State is treason against the United States, if committed by a citizen of the States; it is war against the United States if committed by a foreign Power. An attack upon the most remote acre of the territory of the United States is war upon the United States if committed by a foreign Power, and treason against the United States if committed by a citizen of the United States. I was struck this morning, with a passage in a letter from a gentleman once associated with us in the Senate, Mr. Bradbury, of Maine, addressed to a public meeting. He writes:

"We cannot fail to perceive that the invasion of any one of the States is an assault upon the Union itself. The Constitution secures to each State the regulation of its own domestic concerns, free from external interference."

That is sound doctrine. I think the Senator from Illinois could not have seen the necessary conclusion from his position, when he spoke of treason against the United States as being against them—I cannot quote his language—as if "them"

meant not any one of the United States, as well as every one of the United States.

Mr. DOUGLAS. The difference between the Senator from Mississippi and myself, on this point, is this: he holds that an assault upon the State government of Virginia, with a view to subvert it without touching Federal authority, is treason against the United States; I hold that that is treason against the State of Virginia, to be punished by Virginia, and not by the United States. It is true, an assault upon any one State is an assault upon the peace of the Union, and ought to be prevented; but resistance to the State government cannot be treason against the United States. The forcible resistance to the State government, which arises under State laws and does not affect Federal authority, I apprehend must be punished under State authority, and not as treason against the United States.

But, sir, I do not choose to go into this argument. I do not desire to occupy the time of those entitled to the floor. One word about my criticism upon the President. I expressly refused to interpret the meaning of the President in his letter to the Governor of Virginia, although my candid opinion is that the fair reading justifies the inference that he thought the Constitution did not authorize Congress to confer the authority. He said that he was at a loss to find any provision in the Constitution or laws of the United States—

Mr. DAVIS. Which did what?

Mr. DOUGLAS. Which would authorize him to interfere for this purpose—take steps for this purpose; that is, to preserve peace between the States.

Mr. DAVIS. Not the Congress.

Mr. DOUGLAS. He said he was unable to find any provision in the Constitution or laws. My impression was that he wished to be understood as denying the power of Congress; but inasmuch as——

Mr. DAVIS. Will the Senator allow me to show him the language? There it is, underscored. [Handing the Senator a paper.]

Mr. DOUGLAS. "I am at a loss to discover any provision in the Constitution or laws of the United States which would authorize me to take steps for this purpose."

Mr. DAVIS. That is "me."

Mr. DOUGLAS. "Me," of course. He did not see anything in the Constitution or in the law. I say that that language may be susceptible of two constructions. Inasmuch as my object

was not to make an issue with him, but to demonstrate the power and duty of Congress to furnish the legislation necessary for the protection of the States, I expressly disclaimed construing his language by saving that I would not inquire whether his meaning was to deny the authority of Congress, or to deny the existence of the legislation necessary for carrying out the clause of the Constitution. If he believed that the Constitution conferred the power, my argument showed, then, that I agreed with him. If he believed that there was no legislation authorizing him to exercise the power, my argument showed that I agreed with him on that point. If he denied the power, my argument showed that I did not agree with him in the denial. But, sir, I do not deem it necessary for me, in the discharge of my duties here, to inquire whether every opinion I express comes in conflict with the opinion of the President of the United States or not. I state a fact to predicate my argument upon. So far as the President is right, I will sustain him. When I think he is wrong, I have shown a willingness to oppose him to the extent that I thought he was wrong. In this matter I have thought that legislation was necessary; and I am willing to vote with all men who will furnish the requisite legislation to carry out the provision of the Constitution according to its true intent and meaning.

Mr. DAVIS. There is no difference between you and me on

that point.

Mr. DOUGLAS. I am glad to ascertain, this morning, that there will be no difference between us on that point; and I think, between two such patriots, there cannot be any difference at all. [Laughter.]

Remarks of Jefferson Davis on Mr. Brown's Resolutions. Jan. 27, 1860.

Mr. DAVIS. Mr. President, the Senator from Massachusetts, in the course of his remarks, took occasion in his general examination of what each Senator had said, to make allusion to me. I do not know whether he quoted the language I used or not. But, though I cannot recollect the language, the sentiment was so much like my own that I am willing to accept it. It is what I think now, it is what I thought when I spoke on the occasion to which he alluded, and, therefore, what I may have said. But the Senator greatly misrepresents the meaning. That is not a declaration that if a man of any particular class shall be elected—that if a majority who do not coincide with us elect a Presi-

dent, we will therefore break up the Union. It is a declaration that if a man be elected upon a particular platform, as there stated—and the name of an individual was only introduced in order to point to what distinct opinion was embraced within the denunciation—if, in other words, a man were to seize the reins of Government, not to administer it according to the Constitution, but to pervert it to our destruction, to make this Government one of hostility to us, we would with the right hand redress our wrongs. That is my opinion now. If a man is willing to perjure himself by taking the oath to maintain the Constitution that he may get possession of the powers of this Government to subvert it to the ends of that platform, I tell him, sir, that I have too much pride and confidence in the South to believe they ever will submit. For one single individual, I can speak—I never will. If driven to exile, I prefer it to tame submission to a traitor and perjurer who sought the possession of the Government in order that he might overthrow its Constitution.

That is my view. Therefore, I suppose the Senator may probably have quoted me correctly; his report may be correct; but how comes it that the Senator from Massachusetts is he who lectures us on the crime of disunion? How comes it that we are to be shuffled into the attitude of those who are seeking to break up the Government, because we have avowed that we would not allow others to do it? He, representing the very opinion which is a dissolution of the Union, by the destruction of its Constitution, claims to hold us responsible because we resist the nefarious aggression. We are represented as the secessionists, whilst they seceded in the last presidential election; went off as a section, organized for themselves, and attempted to force upon this Government a sectional candidate, supported exclusively by a sectional vote. That was secession-practical secession. We of the South have clung to the Constitution. We have respected the Government, and abided by its compromises; and never was there a more audacious falsehood uttered than the arraignment which has constantly been made against the South as despising the Constitution and the compromises of which it was the result.

It was not my purpose on this occasion to go into any extended discussion; but it occurs to me now that here as elsewhere we have heard it even said that the South had violated the Missouri compromise, when they who sit on the other side of the Chamber know—they must know—that the South, as a body, proposed to extend it to the Pacific Ocean, having already

accepted it to a damaging effect over the territory of Texas. They accepted the proposition. From them came the release from the obligation of the compact; and when different principles were declared and conduct adapted to them founded on the legislation of 1850, then I held that no honorable man who claimed to uphold those acts could but admit, as a result, that the repeal of the Missouri compromise was a necessity. Thus I have always sustained the conduct of the Senator from Illinois. [Mr. Douglas,] who, pledged to that action, came forward to redeem the pledge which was incumbent on every honorable We never admitted the constitutionality of the act of We said, however, "the people and the States have acquiesced in it." We said it was a mode of disposing of a controversy which seemed to be endless. We desired peace. We wished union and fraternity. We were therefore ready to go on and divide the balance of the territory by the law which you imposed on us. You refused it; and then, with hypocritical cant, cry aloud about the sacred Missouri compromise and its violation!

But the Senator from Massachusetts who arraigns the men of the South (standing in the attitude which I have thus described) with disregard of the Constitution, and a purpose of disunion, comes not with clean hands into court. What is his own position? A pamphlet has been recently laid upon my table in which a speech of the Senator is published as an appendix—a speech delivered "at an anti-slavery festival held in Cochituate Hall, Boston, on the evening of January 24, 1851, to celebrate the completion of the twentieth year of the existence of The Liberator." What did the Senator say? We recollect that Senators on that side have recently been in the habit of drawing distinctions between the Garrison Abolitionists and the Republicans. What did that Senator say?

"For twelve years I have read the Liberator; and, sir, if I love liberty and loathe slavery and oppression, if I entertain a profound regard for the rights of man all over the globe, I owe it, in a great degree, to the labors of William Lloyd Garrison. [Prolonged applause.]"

Garrison, then, is the teacher of the Senator, and he exults in the character of his pupil. I have read the Liberator for some years, too, though for a very different purpose, and have found, standing firmly fixed, prominent as the caption of the last column of the first page of the Liberator, these words: "No union with slaveholders.

"The United States Constitution is a covenant with death, and an agreement with hell."

Thus the Senator manifests his respect for the Constitution and his adherence to the Union. This is the paper from which he claims to draw his opinions, and this the caption with which it heads quotations that I will read, quoting from Mr. Channing:

"There is some excuse for communities when, under a generous impulse, they espouse the cause of the oppressed in other States, and by force restore their rights; but they are without excuse in aiding other States in binding on men an unrighteous yoke. On this subject, our fathers, in framing the Constitution, swerved from the right. We, their children, at the end of half a century, see the path of duty more clearly than they, and must walk in it. To this point the public mind has been long tending, and the time has come for looking at it fully, dispassionately, and with manly and Christian resolution."

There is an advantage in reciting this which would not belong to any article in any particular number of the paper, if he has been a constant reader, as he says, for so many years; he has found it in every paper, and yet he praises his tutor who thus teaches him in every number, these doctrines of the violation of his faith to the Constitution, the denunciation of the Constitution, the purpose to destroy the Union, to wage war upon the institutions which that Constitution was formed in part to secure. Whilst the Senator tells us that he draws his opinions from the venerated source of the fathers of the Republic. here it is to be remarked the announcement is made that we have walked in the shadows of the dark ages which covered the formation of our Constitution, and have just now stepped out into a broad light, which the Senator, I suppose, proposed to-day to throw over the Senate. Again, in this same speech which I have quoted, the Senator said:

"Yes, sir, I undertake to say here to-night, that in no part of the world, and by no race in the world, have greater efforts been made for human progress and human liberty than have been made during the last thirty years in old England. [Applause.] Her reformers have achieved the most brilliant victories. Among all her brilliant intellects, who have linked their names with the great ideas of Progress, no name shines more brightly than the name of George Thompson. [Applause.]"

This is the language applied to that very country against whose oppressions he has to-day depicted his fathers as struggling; and this is to be taken in connection with his address to the monument at Bunker Hill! And to whom is this compliment paid? To an itinerant Abolitionist, who came here with a fell purpose to sever the connection of these States; who, even in the Senator's own State, a few years ago, when there was a sounder public opinion, was not allowed to lecture—who even now is not allowed to go into Faneuil Hall; and the Senator, on this occasion, expressed his regret that Faneuil Hall was not thrown open to one who performed such service! Nor is that all the Senator said:

"And, sir, as an American, loving my country, cherishing the great fundamental principles on which its institutions are founded, I come here to-night and give him the same cordial welcome to America that I would extend to the men who have nobly struggled on the lost fields where liberty has been cloven down. [Sensation.] And as he may be called upon in a few months to leave us, I trust that, when he goes, there will be none, at least in Massachusetts, who will censure him for laboring to blot from our country the sin and shame of slavery. [Much enthusiasm.]"

None in Masachusetts who would censure a British Abolitionist for coming here to interfere with the institutions of the country! He may hope there would be none. I trust there would be many. I trust those few who have spoken in such heroic tones that their words have spread over the vast area of the Republic, have many who concur with them; and I trust that there is a power in Massachusetts which, whenever this fell spirit shall manifest itself by attempting to invade southern institutions, will, in the language of Cushing, "throttle them where they stand." Yes, I believe the Old Bay State, to-day, has enough of Democrats true to the Constitution and loyal to its obligations, if it comes to a test of hand to hand and man to man, to drive back those who thus wring her from her duties to the Constitution and the Union. The speaker goes on:

"We shall arrest the extension of slavery, and rescue the Government from the grasp of the slave power. We shall blot out slavery in the national capital. We shall surround the slave States with a cordon of free States. We shall then appeal to the hearts and consciences of men, and in a few years, notwithstanding the immense interest combined in the cause of oppres-

sion, we shall give liberty to the millions in bondage. [Hear! Hear!]"

Was it possible for any one to have thrown out an invitation to John Brown and his followers, broader than this? Had he a right to expect, when he met a felon's doom, that, after such invitations, those who gave them would not rise to rescue his name from the infamy which attaches to it? What does it mean? Does this mean respect for the institutions of the States? Does this mean conformity to the obligations of the Constitution? It cannot mean that. It is not the language even of the citizen of a friendly State, not bound by any treaty or league of confederacy as you are here. It is the language of one who instigates insurrection, who seeks to carry war into neighboring States, and not the language of a citizen of the United States, bound by the compact of his fathers, and, as in the case of the Senator, by his own oath, to respect every obligation which the citizens of each State owe to the citizens of every other.

In this last quotation which I read is that suggestive expression, "the slave power." I have some respect for a mere fanatic. If he is a mere fanatic, if his mind is absorbed with the idea of negrophilism, if he is sincere in struggling to overthrow the institutions of the South because he believes them to be a great wrong, and steps outside of all the power and patronage of the Government, refuses to connect himself with it. refuses to be benefited by the appeal which he makes to popular prejudice, I have some respect for him; but this phrase "slave power' suggests that the purpose is to seize the spoils of the Government, not to walk with the single, even if it be senseless. purpose of a fanatic to that destination to which his one idea may carry him. Here is the art, the dodging, the double-faced view which belongs to making political capital out of the excited sentiments of men; and in the Senator's speech to-day we hear constantly of the domination of the slave power, and the aggression of the slave power. In what? I waited to hear, but the Senator did not tell us. In what have the slaveholders, as a class, if he pleases so to consider them, ever aggressed upon the rights or interests of the North? Differing in our construction of the Constitution, we have struggled here to hold the Government to its delegated powers; they have claimed to exercise powers by construction, and that has been the controversy between the North and the South. As for the rest, where, when, in what has that aggression occurred, of which the Senator speaks as the aggression of the slave power? In no personal, unkind, feeling to the Senator, I ask the question because I should like to know, that I may direct my answer. I have asked the question before, and have pondered it when I have not been answered, and have yet been utterly unable to comprehend what is meant by the aggression of the slave power. When a large majority of the States were slaveholding, did they aggress on the non-slaveholding? If they had not the temper and the purpose when they had the power, how idle it is to speak of that aggression as a danger now, when, if they had the purpose, they have not the ability to perform it. The slaveholding States. as such, are in a minority in the Government; they cannot pass laws; and it struck me as strange indeed that the Senator, in his argument, should have pointed out as an injury that this minority had held the control of the Government and dictated its policy. Why, sir, that might be a boast for a southern man. If any one of my associates here were vain enough to make it. he might boast that though in a minority still was ascribed to them the control of the Government, and the long list of illustrious names which grace the annals of American history; born on and representing slaveholding territory, might even justify that vanity which I hope never may be exhibited.

Thus the Senator goes on to represent the whole Government as subservient to the slave power. For what purpose? direct us in future legislation; to enable us to confer together, to determine what is true and what is proper? or is it to inflame the very prejudices which constitute the great danger to the Government? I, sir, am not disposed to be put in a false position in regard to the question of future policy. I am not disposed, because I have said and am willing to repeat, that I will not consent to have the Constitution perverted from the purpose for which it was established, and placed in the hands of those who avow that they will use it for our destruction, that any man shall therefore say I desire to destroy the Government which our fathers established. As I look around on things which are passing my senses bring back to me increased despondency instead of hope. With all we have suffered, with the dark pall which hangs over our future, I still have as my earnest and first desire the preservation of our Government as our fathers formed it. If, with the evidence before us, the little hope which we may have had to preserve it in its original spirit and in the great purposes for which it was established, has grown less: if to see almost all the northern States separating themselves in a presidential election as though they were providing to single out the stars which should hereafter grace the flag of the Union brings to me increased apprehensions, they have not diminished my desire to avert the catastrophe it portends, nor destroyed the love which I bear to the flag I have followed for so many years. They have rendered me in no wise unwilling to make further and, as far as honor and consistency permit, greater sacrifices for the maintenance of that Government which we inherited and which has blessed us so

much in the past.

The disunionists are those who undertake to sap the foundations upon which the Government stands; not those who seek to preserve them. The disunionists are those who undertake to destroy the Constitution, and diminish respect for it in the breasts of Americans wherever they may be. Can that be ascribed to the South? Have we not stood behind the Constitution as a barrier? have not our guns bristled through and over its ramparts? Have we ever sought to demolish it? And can any man of common sense believe that now, when power has been transferred to the North, the South would seek to break down the barriers behind which she has stood in the plenitude of her powers? Reason refutes it: the history of the Government denies it; common sense in the mind of any man should prevent him supposing such a purpose. How, then, can a Senator be justified in seeking to impress upon those not so well informed as himself the idea that we who sit here daily legislating under the Constitution and bound by our oaths to uphold it, are meditating how and when we will destroy the Government of which we are a constituent part?

The Senator has referred to the language of General Jackson, though he did not quote it correctly, when, on account of the nullifying ordinance of South Carolina, he said "the Federal Union must be preserved." It has been so common in these denunciations of southern men and southern acts to pervert everything, that the word "nullification" suggests the name of South Carolina; and yet that gallant State is one of the very few of the Old Thirteen which has never nullified a law of the United States. Comes it well from Massachusetts, that her Senator should here arraign South Carolina, and point to the proclamation as indicating South Carolina's malfeasance, because she issued an ordinance for nullification, under conditions which never arose, of a law which was fraudulently passed through Congress, whilst Massachusetts stands forth boldly nullifying laws, the constitutionality of which cannot be questioned, and the direct manner of the passage of which leaves no loop-hole for an excuse?

I have been drawn, Mr. President, by the course of the Senator's remarks into that consideration of the relation of individuals and sections and States which I always prefer to avoid. I am not to be considered as arraigning Massachusetts, except in so far that I present her conduct to show how unjust the arraignment of South Carolina is—no further. Massachusetts is a sovereign member of the Union; her own policy is within her own hands, and as long as she complies with her obligation to the Constitution, no one has a right to gainsay her decisions. Whenever she does not, she owes it to herself to withdraw from a Union, the bond of which she has already broken. When that case arises, she will decide for herself. I have nothing to say as to it in anticipation.

But the Senator assumes something, it seems to me, which it must be impossible for him to know. He says the laws of New Mexico were passed at the dictation of the Delegate from that Territory. How is it possible for any man to know that? He says the Delegate acted under the direction of Mr. Davis. of Mississippi, of the House of Representatives. Now, my friend and namesake, the Representative from Mississippi, no doubt rejoiced in those laws, and so do I; but I hardly think he would have assumed to direct the legislation of the Territory. If he conversed with the Delegate, I have no doubt he gave him his opinion in favor of such legislation—just such legislation as we have a right to in every Territory for the protection of a particular property, which is more liable than any other to be stolen away; just what honest men would give to their neighbors anywhere. Suppose there were no laws, and a man should come into your neighborhood and say, "Here I have a particular species of property, for which I require your aid to enable me to keep it'; would not honest men give it to him? Would a man deserve the name of neighbor in its good sense, who would not give him whatever aid was within his power to enable him to keep whatever kind of property he had? That is my view of the obligation of good neighborhood. The Senator may differ from me about that. He does not answer.

Then, Mr. President, I answer to the Senator, that until he is prepared to show something in which the South have aggressed upon the Constitution; until he is prepared to show that the South, or any portion of it, desires to break up the Government of the Constitution; he has no right to talk of southern aggression, no right to talk of disunion as an offense of the South. So far as southern men have asserted their determination not to allow the Government to be perverted to their destruc-

tion and humiliation; so far as they have proclaimed that they would maintain the rights they have inherited, and would die as they were born, equals in the Union, I sympathize and concurentirely with them; but to arraign southern men for saying this much, as men who seek to destroy the Constitution and the Government, is as unfair as it is unfounded.

Mr. WILSON rose.

Mr. NICHOLSON. I renew my motion to postpone the further consideration of this subject until to-morrow.

Mr. CLAY. I hope the Senator from Massachusetts will be

allowed to go on.

Several Senators. Let us adjourn.

Mr. WILSON. Mr. President, I desire to reply to some of the remarks made by the Senator from Mississippi; but as it is late, I am willing to adjourn until to-morrow.

Mr. DAVIS. I think no one objects to your going on now. Mr. WILSON. The Senator has opened some questions that I should like to reply to. I move that the Senate adjourn. ["No!" "No!"]

The motion was agreed to: and the Senate adjourned.

Remarks on Mr. Brown's resolutions. Jan. 26, 1860.

Mr. DAVIS. Mr. President-

Mr. BROWN. It is after four o'clock, and if my colleague will give way, I will move an adjournment.

Mr. DAVIS. I will be governed by the pleasure of the Senate,

though I always dislike to speak in cold blood.

The PRESIDING OFFICER, (Mr. Foot in the chair.) Does the Chair understand the Senator to yield for a motion to adjourn?

Mr. DAVIS. If the Senate wish to adjourn, of course I do not resist it. If they do not, I would rather go on. ["Go on."]

Mr. FESSENDEN. I will move an adjournment, if the Senator will allow me.

Mr. DAVIS. I feel unwilling to detain the Senate, if they wish to go away.

Mr. FESSENDEN. I move an adjournment.

Mr. SLIDELL. Before the adjournment, I would like to have a short executive session.

Mr. DAVIS. If the Senate is disposed to stay, I would like to go on now.

Mr. CLAY. I understand the Senator from Mississippi does

not propose to occupy the time of the Senate long, and I hope

he will be permitted to go on. ["Very well."]

Mr. DAVIS. I will endeavor to be brief. The Senator from Massachusetts, who has just closed his remarks, has announced that he was replying to those which I made yesterday; and therefore I shall endeavor, as far as possible, to avoid repeating anything which I then said. In the course of his remarks, he took kind notice of myself, and assured me of the kind regard he had manifested for me in other places; for which I return him my thanks, not only for the favorable expression of opinions in relation to myself, but also, and much more, because I believe that opinion must have rested mainly on his kind feeling. And in this connection it is but proper I should say that if vesterday there was anything in my language or my manner which seemed to be personally reflecting on that Senator, it was not so designed. I am aware that I am very apt to be earnest, perhaps some would say excited, when I am speaking; and it is due to myself that I should say now, once for all, that I do not intend ever to offer discourtesy to any gentleman, unless I manifest it in such a manner as renders it wholly unmistakable. By no indirection, by no equivocal expression, do I ever seek to injure the feelings of any one.

The Senator, in the course of his remarks to-day, says he has found a premonition of a retreat from the position which has been avowed by southern men here, in relation to the course which they would pursue in the event of a President being elected pledged to and avowing hostility to the section and its interests to which we belong. For myself, I have only to say, that the premonition was not given by me, for I was a little stronger vesterday than I had ever been before. I wish here, also, to say, that it is no passion, or prejudice, or lust of power, so far as I know the feelings that exist among southern men, but a thorough conviction that their self-respect, their safety, their loyalty to the Constitution, their allegiance to the rights to which they were born, require them to take that last and regretful step whenever they are reduced to that alternative. I thought, after what I said yesterday, that it was hardly possible the Senator could again put me in the position of one who avowed the disposition or the determination to break up the Union, because some man belonging to a particular organization should be elected President. Sir, it is because we will not consent to be subject, it is because we will not allow any man to administer this Government, if we can prevent it, who assumes

the reins for the purpose of destroying the Constitution and trampling upon the rights of the States we represent——

Mr. FESSENDEN. Will the Senator allow me to ask him

a question, in order to make this matter definite?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. I do not exactly understand the Senator. Are we to understand him, (as certainly has been avowed by members of the other House, if not by members of this body, to be their position,) that he would consider the election of a Republican President by the people, upon the Republican platform, as it stands, a sufficient avowal of a determination to infringe on southern rights, to authorize a dissolution of the Union?

Mr. DAVIS. If I had read the platform recently, I should be better prepared to answer. I do not recollect what is in your platform with that distinctness to enable me to answer with any certainty. If the Senator had stopped before he mentioned that, he would have left his question in a position which would have given me entire power to answer it; for, as far as I have conviction and information, I have nothing to conceal; and if he who now sits presiding over this Senate [Mr. Foor occupying the chair] were elected President of the United States, I should deem it no ground for a dissolution of the Union. So far as I understand his opinions—respecting him as a gentleman and a conservative man—believing that he would not take an oath to which he would not adhere, I should say there was no ground to break up the Government in that event.

Mr. FESSENDEN. Then, if I understand the Senator, the

matter depends on the individual entirely.

Mr. DAVIS. It depends on the opinions of the individual and of those who elect him, who put him in position, declaring a purpose to which, by accepting the nomination, he pledged himself. Now, in that connection, I should say that my respect for the gentleman to whom I particularly referred, because of the seat he now happens to occupy, will not allow me to believe that he would accept a nomination which imposed upon him the condition, while swearing to support the Constitution and sitting in the chair of the Executive, to invade the rights of the southern States.

Mr. FESSENDEN. The Senator will excuse me. I do not exactly understand him now. He replies that his cause consists of the opinions of the individual, and of those who elect him.

Mr. DAVIS. Conjointly. Opinions expressed at the time of the nomination, and of which he is therefore made aware.

Mr. FESSENDEN. Then it depends on the platform-

Mr. DAVIS. Jointly, I say again-

Mr. FESSENDEN. With his own individual opinions.

Mr. DAVIS. If the individual accepts a nomination on a platform which puts him in the attitude of hostility to us, I would consider him not fit to be trusted, and would not be willing to submit to him.

Mr. FESSENDEN. I understand the Senator further to say that he is not sufficiently familiar with the Republican platform of 1856 to say now whether that is a sufficient declaration to authorize him to say that in that contingency—

Mr. DAVIS. I have not read it lately, and I do not know, indeed, that I have ever read it. Of course, therefore, I could

not express an opinion on all that is in that platform.

Mr. FESSENDEN. Very well, sir.

Mr. DAVIS. I will say further to the Senator, that it is part of my habit to forget, as soon as I can, disagreeable things; and if I ever read the platform of a party assembled for such an odious purpose as I believe that one had, I endeavored to dismiss it from my mind as soon as I had read it. I do not treasure disagreeable things. I am not like those who cull and gather and stick into little scrap books passages and sentences in order that some day or other they may be woven together and presented to the Senate, and sent forth to their constituents to excite a sentiment of hostility, of which we have too much. Whenever, however, the Senator from Maine desires my opinion of his platform, and will submit it to me, I will read it, and give him my opinion as decidedly as he can desire it.

Mr. FESSENDEN. It is before the country; the Senator can find it.

Mr. DAVIS. If it is as bad as I expect it is, I have an idea that that party will either never attempt to readopt it, or that it will be readopted by men of the Garrison school and those who follow him. I know it rather by the manner in which I have heard it discussed than otherwise. I will proceed, however, with my reply to the Senator from Massachusetts, unless the Senator from Maine has another question.

Mr. FESSENDEN. Nothing further.

Mr. DAVIS. The Senator from Massachusetts says southern men were banished for attending that Republican convention, to which the Senator from Maine refers us. Its platform must have been a body of resolutions so violative of the rights of the South as to have outraged all feelings of propriety, all respect for constitutional government, before the people of any southern State would have banished a citizen of it for having attended the convention. If the Senator from Massachusetts be correct in his statement, if citizens of southern States have been banished because they attended that convention, I take it for granted their platform was just such a one that I would voluntarily allow no man to rule as President who would agree to stand

upon it. I take that for granted.

But the Senator from Massachusetts, in the course of his remarks, goes on to ask, whether, if Washington and Jefferson were now living, Virginia would send them to the Halls of Congress, and he says "No, the slave power has banished them and enthroned the followers of Calhoun." I would ask the Senator if Daniel Webster were to-day living, whether he could occupy a seat in this body? Proud as Massachusetts was of his master intellect, proud of his great intellectual achievements as the people of Massachusetts still are, could Daniel Webster, because of one conservative speech, which contained so little for the South that I could never see why it was republished in the southern States, now occupy a seat in the Senate from his The slave power, the Senator says, has banished such men as Washington and Jefferson, and this is a part of the general theory that Washington and Jefferson, and the framers of the Constitution of the United States were Abolitionists! He said vesterday that Hamilton was a member of an abolition society, and yet he knows that Washington and Jefferson owned slaves to the time of their death, and he knows that Hamilton was not an Abolitionist in the offensive sense which belongs to the term at this day; and that Hamilton never had any policy to interfere with the institution except in the State of which he was a citizen. He knows, or he should know, that Hamilton was one of a committee of three which, under the Confederation, when there was no law for the restoration of fugitive slaves, instructed the Secretary for Foreign Affairs to open negotiations with the Court of Madrid to secure the return of fugitives from Florida, "as," the committee say, "they will be returned from the States of this Union." It then rested upon the comity between the States; there was no compact, no obligation of law for it. The men of that day, unlike the Abolitionists of this, had no underground railroad on which they planted their habitations. They respected the obligations of man to man, and neighbor to neighbor. They returned to every man his property upon the claim being made. And yet the Senator says he stands upon the ground of the fathers of the Republic—the men who formed the Constitution of the United States! If that had been so, when they emerged from the Articles of Confederation and formed a Union and adopted a Constitution or compact, why was it that there they recognized slaves as property, and provided for their rendition by any State into which they might escape? At the time of the Declaration of Independence, slave property was held in every State of the Union, Massachusetts not excepted; and I was surprised to hear the Senator refer to Massachusetts as having moved so early against the traffic in slaves, for according to the authority of that well-recognized historian, Alden Bradford, in his History of Massachusetts, volume 1, page 117: "No law was ever passed under the Provincial Government interdicting this most disgraceful traffic," to use his own words. It also is matter of history that Massachusetts never passed a law for the emancipation of her slaves. It was by a decision of her court that emancipation was effected within the limits of Massachusetts. Then again, sir, the most bloody slave code which ever existed in any of the colonies or States of this Union, was that of Massachusetts. If I understood the Senator aright, he denied that they had ever reduced any person to slavery in that colony.

Mr. WILSON. I said there were very few of the Indians.

Mr. DAVIS. There were not only Indians but white men. There has recently been a meeting of some of those honest men of Massachusetts, of whom I spoke yesterday; and I find that an address delivered at that meeting takes up this matter. They are examining the question differently from the Senator. They have not gone to find whatever was objectionable, or whatever might produce excitement in the action of the South; but the speaker—from whose address I shall read—arraigns Massachusetts before herself, seeking to correct the errors which exist there by exposing the bad conduct of the State. He says:

"As Massachusetts had taken the lead in this crusade against the South, he proposed to examine a little into the facts of history, to see if there was any reason or propriety in Massachusetts setting herself up to be so much purer and better than the other States; and lecturing the southern States for their sins. He thought she had sins enough of her own to answer for.

"The impression was very common that Massachusetts had always been a free State. So far from this being the case, she

was a slave colony from the beginning.

"And she not only held and sold black slaves, but white slaves, too. The captives who were taken in the English civil wars were sent over and sold there as slaves. In 1659, her courts sentenced two white persons to be sold as slaves to Bar-

badoes, or Virginia, for the crime of siding with the Quakers.

So much for white slavery among these old Puritans.

"As for Indian or negro slavery, it existed in Massachusetts very early. The Puritans held slaves as early as 1637, a few years after the settlement. In 1641, we find the following

among the Massachusetts laws:

"There shall never be any bond slavery, villanage, nor captivity among us, unless it be lawful captives taken in just wars, [meaning, I suppose, the wars with the Indians,] and such strangers as willingly sell themselves, or are sold unto us; and these shall have all the liberties and Christian usages which the law of God established in Israel requires.'

"Now, here we have the astounding fact of a law of Massachusetts recognizing slavery several years before anything of the sort can be found among the laws of Virginia or Maryland.

"The South had been very much censured for their slave

laws. Let us see what Massachusetts had done."

The Senator, himself, talked the other day about the probability of the North Carolina penitentiary being fuller, if people had been put in there who whipped their slaves.

"In 1705, by another act, slaves were, for certain offenses, to be sold out of the province. Any negro or mulatto, who should strike any of the English or other Christian nation, was to be severely whipped."

The Senator referred to them as having fought for the liberty we enjoy.

"The Provincial Congress of Massachusetts prohibited the enlistment of slaves in the army, thus showing that slavery

legally existed there in May, 1775.

"The reason given is a curious one: that they were contending for the liberties of the colonies, and the admission into the army of any others but freemen would be inconsistent with the principles to be supported, and reflect dishonor on the colony."

I honor those old Puritans who first settled in Massachusetts. I honor the brave men who fought the battles of the Revolution. I honor the true philosophers who disdained to taint their blood by amalgamation with the lower races of mankind. Whatever dignity there is in that State now, whatever there is of power, whatever there is of progress—and of all these there is very much—it is due to the fact that those old Puritans kept the Anglo-Saxon blood pure and untainted. If they had adopted

this amalgamating policy, if they had intermarried with the baser races, Massachusetts never would have boasted of the triumphs she has achieved in arts and manufactures. So much for the policy of the past compared with the degrading policy of to-day.

The Senator seems to have a particular objection to Calhoun, and the doctrines of Calhoun. Sir, Christ was crucified by those who could not understand his purity; and mortals, from that day to this, who have risen above the depravity of the age in which they lived, have been the objects of calumny. Thus let it be with Calhoun.

But I sought yesterday to know in what the slave power, as described by the Senator, and which, to-day, he defines as the political power of the South, as I understand him, has been aggressive; and he asks me now, is it not aggression to deny the right of petition? What is the aggression in denving the right to pray for that which cannot be granted? The whole question which was raised in Congress was as to the right to exclude petitions asking Congress to do that which they had not the constitutional power to perform. A venerable member of this body who once represented Massachusetts, said on one occasion, as I thought very aptly, that the right of petition at last was but the poor right to beg; but when a man comes and insists on begging from day to day for that which we cannot give, is it not idle to receive his continued petitions? If the beggar insists on sitting at the door disturbing the peace of your society, interfering with your domestic affairs, is it not right to eject that beggar, and tell him, "go away from here; you ask me for that which I cannot give, and you disturb me in doing that which it is my duty to perform." I hold that it was proper not to receive petitions which were presented for no other purpose than to excite the Congress and turn it aside from its legitimate functions, for those who prayed must have known that they were asking of Congress that which Congress had not the power to give. That is the first aggression, and that is disposed of.

He presents, as the next aggression, that the slave power, as he denominates it, has made regulations in relation to the transmission of matter through the mail. I think the aggression is in the men of his own section seeking to send through the mail—a part of the machinery of the Government—incendiary matter to disturb the peace of their neighbors. There is the aggression; not on the part of those who limit the use of the mails, but those who would fill them with matter to disturb the

peace and destroy the domestic tranquillity of the other States. Next, he presents the annexation of Texas, which, he says upon the authority of Mr. Calhoun, was for the extension of slavery. The annexation of Texas had other objects. Did anybody say it was for that sole purpose? Whilst power was passing from the South, had we not a right to desire the extension and increase of our political power? But does anybody pretend to say, at this late day, that there was no purpose in the acquisition of Texas except to increase the slave power? Surely, no man will so stultify himself as to say it. It is a mere incident put upon a great measure; the benefits of which were but feebly appreciated at the time, and are now being realized.

But what became of the territory of Texas after we acquired it, the whole of it being slaveholding and therefore bound at some future day to increase the political power of the South? The South, in respect for an agreement which had been made in the Congress of 1820, extended the line of 36° 30' across the slave territory of Texas, cutting off all which was above that line when it should be divided and admitted as a State; and here we mark the difference between even that brief period behind us and the one in which we stand at present. Then the purpose was not to confine slavery, and with a false pretense to philanthropy say it was the benefit of the negro. Then the purpose was merely to prevent the increase of the political power of the South by the admission of new slaveholding States. Now they have added to it the fiendish object of crowding the slaves into such small space as to deprive their masters of the ability to keep them comfortably where they are, of starving out a certain race, now the dependents under our protection, under the false guise as doing this for the purpose of philanthropy. The soul of any high-spirited man should revolt from so degrading a purpose. Far better, far manlier would it be, if they were to seek to exterminate them by the sword rather than in this slow process to confine them until, steeped in misery, they should at last be exterminated.

But the opposition to the Wilmot proviso, the Senator denominated as a refusal to permit free territory, which came to us free territory, to remain so. There is the whole question. We claim our right under the Constitution. He says he is ready to accord it; and yet in the very language he uses he denies it, because when he says "free territory," he speaks that bad English of his own section which, when they say "free," means that the negroes there are not slaves. If it were an earlier hour, I might say something on what a slave is, but I shall not now do

so. Instead of the distinction of "free territory" or "free State," it would be better if they would adopt some other language to express the idea, if they merely mean to imply that negroes are not held there in the condition of slavery. these States, all of the territory covered by our glorious flag and its institutions, are free. We have a subject race among us; our fathers had it; and in the formation of the Government they recognized that race as subject, and recognized the master as holding property in it. In the very first acts of the Confederation, the distinction was made between the free men and those who were not free. In the treaty which was made, securing the acknowledgment of our independence, three northern men being the commissioners who formed that treaty, (Adams and Franklin and Jay,) negroes were treated as property, and Great Britain was prohibited from taking away negroes or other property, as she withdrew her troops from the territory recognized to be the United States.

The Senator's reading stopped short at the point where he got out of the mists and fogs by which he is obscured, and sat beneath the clear light of the earlier days of the Republic. If he will go back to the time when men thought and spoke as they have not since, he will find such petty prejudices as that to which he appeals, held by them to be beneath consideration. They protected the right of the inhabitants in all their property, and specified negroes among it. The people of Massachusetts at that day, too, conscious of their manhood, their independence, and their nobility, could not agree to march shoulder to shoulder with their slaves as soldiers of the army. That negroes took their part, that negroes occasionally fought in the ranks, is unquestionably true, not only there, but everywhere. Even at a later date, in the war of 1812, the same fact existed. It is the servile race clinging to the master race, the dependent following his patron, sharing his danger wherever he may go. That is the condition which it has maintained.

The Senator announces to us that there are those who hold the fugitive slave law to be unconstitutional, and who expect some day to repeal some of the provisions of it. I have never yet been quite able to comprehend the opinions of those who argue, first, that the whole subject belongs to the Federal Government, and then that the States have a right to obstruct the laws enacted by the Federal Government to secure a constitutional right; nor have I ever been quite able to comprehend the position to those who contend that the Federal Government had no power to legislate; and yet, in the face of the constitutional

injunction, refuse to legislate themselves. It is fraud; it is not fair dealing. If the States have no power to legislate; then, when the Federal Government provides laws which are deemed sufficient to render effective this constitutional provision, the States are bound to pass no laws which will interfere with their execution; they are bound by every principle of good faith, as far as they can, to aid in the ready execution of the laws of the United States on that subject; for the Constitution did not stop at providing that a State should not emancipate a slave who should flee into its limits, but it went on and imposed an obligation on the State by saying that he should be surrendered on the claim of his master. The Senator did not explain what his constitutional difficulty was; but I suppose it comes within some of the categories which I have presented.

He answers, however, the position which I took in relation to the Missouri compromise. He says it was a bargain for that particular case. If the Senator will examine the debates, of that period, he will find a distinct reference to the extension of that line to the Pacific, included in the argument of one who favored the adoption of the line of 36° 30'. He should remember, too, that that line of 36° 30' was adopted as a concession to northern interests, and against the South; that it was adopted in violation of certain rights which were secured to the South by the treaty of 1803; and that the North, being the sole beneficiary, should have been the last to refuse any fair extension of the line. Not only is this true, but it is also to be remembered that they obtained the division of Texas by this same geographical line of 36° 30' being extended through that State when it was acquired. They halted, for the first time, when we reached the territory acquired from Mexico.

Mr. SIMMONS. Will the Senator allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. SIMMONS. Does the Senator read the history of that transaction to be that the North claimed that line of 36° 30'?

Mr. DAVIS. Oh, no; they opposed annexation.

Mr. SIMMONS. I happened to be here at that time.

Mr. DAVIS. My position was, that the line of 36° 30' was a concession to the North.

Mr. SIMMONS. I understood the Senator to say that the North claimed the extension of the line of 36° 30′ in the resolutions that annexed Texas.

Mr. DAVIS. My recollection of the history of that is, that the division of Texas by the line of 36° 30′ was a concession to

the North, they opposing the annexation of Texas entirely, but at the same time claiming the extension of the line of 36° 30′ through the territory, if it was annexed.

Mr. SIMMONS. That is what I understood the Senator to say before. Now, I think he is entirely mistaken as to the fact. I happened to be in Congress at that time, and I recollect very well the discussion, and I never heard a northern man claim that division.

Mr. DAVIS. Then, did the North desire that all of Texas should remain slaveholding, and that all of it when carved into States should come in as slaveholding States?

Mr. SIMMONS. I never heard the North say anything about having it carved into slaveholding States, and I know very well that I voted against that very provision, because southern Senators said that unless it was put in, they would vote against the whole measure, and I voted against the whole measure. I never knew a northern man who was in favor of running that line yet.

Mr. DAVIS. Then it was a parliamentary ruse to which the Senator resorted; and now I ask, did he not prefer, if Texas was to be annexed, that the country north of 36° 30′ should be excepted from the general condition of the whole country?

Mr. SIMMONS. I merely wanted to correct the fact, and I will answer the gentleman with great frankness.

Mr. DAVIS. I want to get at the fact.

Mr. SIMMONS. When I hear a Senator alluding to historical facts, if I think what he says gives rise to wrong impressions, I desire to correct it, in order that the real state of the case may go forth at the time; but I have no purpose of interrupting the Senator at all.

Mr. DAVIS. I do not consider it an interruption. I am very glad to hear the Senator from Rhode Island in anything he wishes to say.

Mr. SIMMONS. The entire debate on the annexation of Texas was made by those who professed to be acquainted with the boundaries of Texas; but that arm of land that ran up north of 36° 30′, it was contended, by the then Senator from Missouri, Mr. Benton, who was familiar with it, did not belong to Texas, and I suppose it does not belong to Texas now according to the line established in 1850. I know the fact, that a Senator from Tennessee made it a condition that unless that line was put through Texas, he would vote against the whole measure. I recollect distinctly that I tried to induce Senators to vote against the extension of the line, in order to defeat the annexation of

Texas by joint resolution. I always considered it an unconstitutional mode of annexing territory, and consider it so now. That was the objection among Senators to its introduction in that way. There never was territory enough north of 36° 30′, in my opinion, that ever did belong to Texas, to make a county.

Mr. DAVIS. That may be the Senator's opinion.

Mr. DOOLITTLE. If the honorable Senator from Mississippi will give way, I will make a motion to adjourn; it is five o'clock.

Mr. DAVIS. I have no disposition to detain the Senate to hear me, but I would rather have such things through with.

Mr. DOOLITTLE. The honorable Senator can have the floor

in the morning.

Mr. WIGFALL. If the Senator from Mississippi proposes to give way, in order to continue his speech at another time, I desire, before the Senate adjourns, to read an extract from a speech of General Houston, delivered in 1850 on the floor of the Senate, in which he defended the title of Texas to that entire territory east of the Rio Grande, and up to the forty-second de-

gree of north latitude.

Mr. DAVIS. Before the Senator from Texas proceeds, I merely wish to make myself understood. The Senator from Rhode Island, I suppose, has no controversy with me on the question whether the North wanted to annex Texas or not. I have none with him, certainly. I suppose we can have none on another point—that they wanted to get as much of the territory as they could. The Senator is geographically mistaken about the "pan-handle," as it was called familiarly. There was a great deal of territory north of 36° 30' besides that; and I always considered it myself a very great outrage to have attempted to make such a provision as was attached to the resolutions of annexation in relation to what shall be the condition of a sovereign State to be admitted at some future day; for whatever provision we should make falls instantly powerless, worthless, beneath the tread of a sovereign State. I had no purpose in giving way, however, to resume my remarks at a future period, because that would be discourteous to the Senator from Tennessee, [Mr. Nicholson,] who has already manifested his desire to take the floor on this subject, and who will no doubt wish to go on on Monday. I do not know that it is very important for me to continue.

Mr. DOOLITTLE. If the Senator considers that he has yielded the floor to me for a motion to adjourn, and desires to

continue his remarks, I will withdraw the motion.

Mr. DAVIS. I should not feel willing to have an adjournment made with any expectation that I was to go on, because the Senator from Tennessee is entitled to the floor for Monday, by the courtesy which is known among us. I believe I promised to get through as fast as I could, and if I am not thrown aside by some new discussions with some of my friends, I shall get through before a great while. The Missouri compromise is an old subject and a wide one. The Senator from Rhode Island and myself may possibly have occasion, when the Senate are more disposed to listen, to take that up again.

The Senator from Massachusetts, however, arraigns the Democracy very violently. He says they are responsible for fillibustering. Now, as one of the Democracy, I am not, and I think I can find a great many more who are not. I do not know how they have incurred any responsibility for any violation of the law anywhere. If the Senator meant that merely as a defense against the attack that his party was responsible for the lowest and vilest form of fillibusterism—these incendiary movements in the United States against a portion of the people of the United States—if he means it as that defense, then his party stands undefended still against that charge which has been made upon it, and the Democracy proudly point to the fact that all that has been done to suppress fillibustering, has been done by Democratic officers and Democratic authorities, save and except that melancholy occasion when a President assumed a power he did not possess—to declare men pirates who had committed a misdemeanor, and turned them over to the tender mercies of the Spaniards, to be butchered without the forms of trial.

But he has challenged, in the course of his remarks—and I suppose it belongs to me as well as the rest of us over here—to know in what the North has aggressed. It seems really laughable when here they have been for thirty years constantly engaged in agitating questions which are of a purely domestic character, and with which they have no more to do than they have with the condition of the inhabitants of the interior of Asia; when they send to the Congress of the United States men elected upon a question which derives its whole power from the hostility which is felt to the people of the South, and to a particular species of property held by them. Is this long career of agitation and of base calumny from the pulpit, from the press, and from both Houses of Congress, at last culminating in a bloody raid, is this nothing? Are not these aggressions? And when you proclaim avowedly resistance to a provision

of the Constitution, which, as honorable men, you ought to have executed without law, and which you fail to execute under a law, denying to us the right of property, which, by the comity of nations, we ought to receive, even if we were not bound together by a compact, is this nothing? And is it needful in the midst of these, and many other things like these, to ask what are the aggressions of which we speak? There is a long, unbroken line of aggression, faithlessness to the compact, and assault on the peace, the constitutional rights of a section.

Still, the Senator informs us that he is adhering to the doctrines of the fathers who founded the Republic. Was this their doctrine? Had they underground railroads—to use the phrase of the day? Did they offer asylums for the concealment of fugitive slaves from their neighbors in the colonies and States adjoining them? No, sir; no. I hope no man will ever stain their

spotless reputation by an accusation like that.

He tells us that the Democracy have adopted a new school, and threaten the destruction of the Union unless others shall adopt it too; and yet we ask but conformity to the Constitution; we ask but compliance with the plain requirements and great purposes of the Union; we ask that you shall not covertly, under the forms of the Constitution, seek to destroy it in spirit, and to overturn the objects for which it was made. We ask that you shall do what the fathers did, and which, if they had not done, this Union never could have been formed.

He tells us, however, that southern men admit that there has been a revolution of opinion on this subject. An advance is not a revolution. That man must either be utterly stupid, or omniscient, who learns nothing, and never changes an opinion. It must be the very height of profanity for any man to assume that he never could change any opinion that he entertained. It would be the height of bestiality in any man to say that he would never advance in the little knowledge he possesses. It is true that at a time when we had no great tropical staples cultivated in the United States; when we occupied very little of the territory which lies in a semi-tropical climate, the question of interest, the question of power-political and social power in the community-led very many of those who philosophized on the subject to reach the conclusion that slave property was not beneficial to the State in which they lived, and to the Republic of which the State was a part. Circumstances have changed; nay, more than that, we have learned something of the negro race which they did not then know. We have learned now, that in all future, as in all past, history, that race is doomed

by the Creator to occupy the attitude of servility. Whether they be bought and held from the cradle to the grave; whether they be hired by the day or the month, servility is stamped upon the characteristics of the race; and from that they can never rise. We find it in the pictorial representations of the pyramids of Egypt; we find it in all the traditions beyond the period of history, and traced through history down to the present day. Wherever they are noted they bear the badge of servitude; and wherever they are not in servitude they are in barbarism.

The Senator from Virginia [Mr. Mason] well said that the negroes of the United States had been elevated by the condition of slavery. They are to-day in the highest condition which that race has ever attained anywhere; so much so that northern philanthropists constantly speak of the ameliorating process of sending these negroes educated in the condition of slavery to Africa, there to become great teachers of civilization and Christianity. Why are they better than their brethren in Africa? Because they have passed through the school of slavery in the United States. And sadly did I read the account which we have but recently received from our attempt at colonization in Liberia; for it marks the gradual decadence of men who had been trained and selected for their moral worth in this country, who, colonized in Liberia, have reduced natives there to slavery and are themselves steadily lapsing into barbarism.

The Senator from Massachusetts also tells us that he represents a commercial community, and that the slave power is sacrificing the commercial interests of the country. What commercial interests would you have if it was not for slave labor? What would support your shipping, what supports it to-day, but the navigation laws and the trade of the South? Where would your cedar-buckets and your tin cups and your shoes be sold, if there was no slave labor constituting a capital ready to purchase it? Your commerce depends upon this labor; and it has been the extreme blindness, as I view it, of the navigating and commercial interests of the northeastern portion of the United States not to perceive how intimately their interests were connected with ours, and how entirely dependent they are for their presperity on the continuance of friendly relations with us.

The Senator from Massachusetts complains of the police laws of the South, and of the fact that northern men are treated with suspicion who are traveling in the southern States. "Men do not gather grapes from thorns, nor figs from thistles." It is not from the studied, the persevering, the continued denunciations of the North that they should expect to gain the confidence

and good will of the South. Police regulations and suspicions are the result of your bad conduct, not our hostility. Communities adopt police regulations for their own protectionfor their own safety; and they mark with suspicion men who come attended by circumstances which create the belief that they come as incendiaries and spies, with treasonable designs, who speak fairly in the face of their brother, whilst they stab him under the rib. There is no ground of complaint unless the Senator can find better cause than he has presented. Had he followed the example of him from whom I quoted; had he, instead of seeking through all his reading to find how much could be arrayed of expression at the South to irritate the North, spoken in the language of soberness and fealty to the Constitution, addressing himself to the errors of Massachusetts, and pointing out to her, as her Senator, wherein it was needful she should reform her course, wherein it was proper she should deviate from the policy of those who are widening the breach between the sections of the Union, he would have rendered a service which, if it would have commanded him fewer votes, would have given a much better immortality than such speeches as he has made vesterday and to-day. It would have been something like that devotion to the cause of his country which would have become one who was drawing a model for himself from the early days of the Republic.

I said yesterday what I felt then and feel now, that it gives me no pleasure to make these comparisons of the conduct of different States of the Union. I was sorry that the Senator found it needful for his argument to-day, to pursue the same line of general accusation as yesterday. Such jibes and taunts bring to my mind the blue lights said to have once burned along the coast of Massachusetts; but, sir, unbidden comes to my memory the bright fires that blazed when Washington held his camp upon Dorchester Heights; and I remember with pride, for it is a portion of the history of which I am part owner as well as the Senator, the gallant bearing of the almost unarmed citizens of Massachusetts when they defied and confronted the insolent soldiery who came to oppress them and to rule over their country. It is far more grateful to me, sir, to revert to these, than to remember the period when constitutional scruples would not allow the militia of that State to go beyond its own limits, though the honor of the flag and the safety of the country

The Senator referred yesterday, and has again to-day, to one who is an ornament to the age in which he lives—Mr Cushing;

called on all her people.

one of those true sons of Massachusetts who, he says, defended her honor years ago, and who equally, I say, and more efficiently defends it to-day when he arraigns her errors, than when, at the period to which the Senator refers, he may have only pointed to her past devotion—a man whose varied knowledge seems to gather in every subject, and whose bright intellect sheds a luminous blaze upon everything which it touches. If he ever doubted the right of the citizens of the slaveholding States to go into the Territories, as I infer from the Senator's remarks to-day he did, it became him, it became his genius as well as his heart, that, having learned his error, he should avow the reformation. I have just received a letter of his, addressed to a public meeting, in which he refers to this particular point, and in a sentence so valuable that I will read it. He says:

"And the current suggestion, that slave property exists but by the local law, is no more true of this than it is of all other property. In fact, the European Socialists, who, in wild radicalism, (including the assassination doctrine,) are the correspondents of the American Abolitionists, maintain the same doctrine as to all property, that the Abolitionists do as to slave property. He who has property, they argue, is the robber of him who has not. "La propriété c'est le vol," is the famous theme of the Socialist, Proudhon. And the same precise theories of attack at the North on the slave property of the South would, if carried out to their legitimate and necessary logical consequences, and will, if successful in this, their first stage of action, superinduce attacks on all property, North and South."

There is a solemn warning from one of the brightest men that Massachusetts has produced, though her list be long; it is a solemn warning to you now that the doctrines you are preaching against us may come back, sooner or later, to plague you; that they will initiate in your midst a revolution destructive to all the rights of property, and to the safety of society.

There are other points made in the Senator's remarks; but they are of questions which have been so long discussed, of Kansas and such like wearisome questions, that, as the hour is late, I will let them pass. But before I stop, I wish to say that I came here hopeful that, whatever excitement we might have, the debates of this session would not assume the same low tone of mere ribald declamation in relation to slave property which have characterized former times. It has been my fortune to associate a good deal with overseers; but never, in all my associations with overseers, did I hear so unbroken a consideration in rela-

tion to negroes as I have in the Senate this session. There can be no question raised, no problem of constitutional power presented, but some man must get up and for hour after hour descant on the negroes, whom we have a right to hold under the Constitution and the laws, and of whom the debaters know absolutely nothing. For what good is it? Do they expect to produce emancipation? Is that their object? And if it were effected, would they be willing to receive their share of the poor creatures thus turned out to shift for themselves? Has any man yet ever presented a rational plan by which he could accomplish this social change, if it were conceded to be a desideratum? Does any man who has logical power and observation enough to form an opinion believe it would lead to the happiness of that race? If not, then why are we goaded from day to day, and wearied by dull essays and patch-works in relation to the eternal subject of other people's negroes?

I have been dragged into this debate by the special reference made to myself. I have spoken under the disadvantage of occupying the close of the day, following the Senator, and answering the points which he had presented. I am willing, however, under that disadvantage, to let the matter rest, to pass to the higher and nobler subjects which merit discussion. But if we cannot have peace; if the long concurred series of decisions by the Supreme Court are to mean nothing; if decisions so numerous and so clearly tending to that which has of late created so much complaint, that the opinion was foretold long before it was delivered, are to go for nothing; if still we are to be arraigned before the world to vindicate our right of property, then there is an obligation to have our case fairly presented at the bar of public opinion; and in view of what may be our last resort, I may find it needful, with more copious reference and with more methodical arrangement, to speak to this subject at a future day. I hope, however, to be spared the necessity.

Jefferson Davis to Franklin Pierce.
(From the Library of Congress, Manuscript Division.)

Senate Chamber Jany. 30, 1860

My dear friend,

We are yet as when you sailed talking in the Senate and wrangling for organization in the House. There is a belief that Smith an old line Whig of North Carolina will be elected, but so many chickens have been counted from eggs which proved addle that I have no confidence in the prophecies of the House.

Govr. Dana of Me. is still here and much concerned lest our party should be divided at Charleston. I have not been able to show him how the question could be adjusted by "resolution" but have told him of the only way I have seen, and which is that of nominating the man who will be accepted by both sections without a platform.

Yesterday we had our youngest boy christened Joseph Evan and wished we could have had you and Mrs. Pierce to wish a "God speed" on the journey of life.

Nicholson of Tenne. is reading a speech need I say on what, do we ever speak of any thing but that over which we have no control, slavery of the negro.

The prospect for our country is not less gloomy than when you left. The condition in which Genl. Cushing said men should provide for storm seems to be rapidly approaching—I will stand by the flag and uphold the constitution whilst there is possibility of effecting any thing to preserve and perpetuate the Govt. we inherited—beyond that my duty and my faith binds me to Mississippi & her fortunes as she may shape them. I hope on for the kind providence that has preserved us heretofore and still labor at my [post] as a member of the general Govt.

Please present my kindest remembrances and most friendly wishes to Mrs. Pierce.

Mrs. Davis would I know join me in these expressions of affection to Mrs. Pierce and also to yourself.

Hoping to hear from you often I am as ever truly yrs.

JEFFER: DAVIS

Presdt. F. Pierce

Remarks of Jefferson Davis on the veto of the St. Clair Flats bill. Feb. 6, 1860.

Mr. DAVIS. I should like to know distinctly what is the

question before the Senate.

The PRESIDING OFFICER. An order was made by the Senate to print the message of the President of the United States in relation to the St. Clair flats. The Senator from Michigan moves to reconsider that order; and that is the question now pending before the Senate.

Mr. DAVIS. It is a pro forma motion, then, as I understand. The Senator from Michigan, whom I did not hear very distinctly in the beginning of his remarks, I thought, presented for public judgment the consideration whether it was himself or the President who was ignorant of the subject of which the President treated. Of course I do not pretend to decide that question. I hope the Senator did not, in the course of his argument, intend to decide it in favor of himself. He is willing, I presume, to leave it to the public to decide that question of comparative intelligence. I say, let the public pass judgment. I have nothing more to say on that.

The Senator, however, assumes that which the President concedes, and directs his arguments against the message of the President as though he had denied it. He assumes that this work is necessary for military defense, and arraigns the President for vetoing a work so essential to military defense; but the President says he admits the power of Congress to construct works which are necessary for military defense. Therefore, the position of the President is not that he will disapprove an appropriation made to construct a work which is necessary for military defense, but that he vetoes this appropriation because he does not consider it necessary for military defense. In that he but exercises a discretion which the Constitution confers upon the Executive officer; and no one can gainsay the exercise of that right, though some may dispute the premises on which the action is based.

I concur with the President in the view which he takes on that question. I concur with him in the position that if we should ever have a battle with the only Power which would involve the necessity for using this channel, it will not be fought by vessels upon the lakes, but that the growing power of the United States will take its position north and west of the lakes, and the battles will be fought on British and not on American or doubtful soil. In peace, as in war, this is valuable as a commercial channel; but if I be not mistaken in the prowess and energy of the people of the United States, and if it be true that we are to maintain the same national boundary as now in time of war, then it must be by railroads not exposed to British power, rather than by this channel, which runs along the British shore, that we must expect to communicate between the army and the depot of supplies.

The St. Clair flats is a subject which has been before Congress a great many years, has been discussed both in its hydro-dynamic and its political aspect. In past time I have taken a position entirely adverse to that held by the Senator from Michigan this morning, and I have no occasion now to review the position thus

taken. I do not concur with him in the proposition, either as a political problem or as a problem in civil engineering. The dredging of that deposit which is thrown up where the current of the river meets the deep water of the lake is one which is not to be terminated by merely dredging the channel. It is to be an eternal work until jetties are constructed, projecting far into the deep water of the lake, and there receiving the wave of the lake as the wind drives it from the shore and allows it to pass beyond its head. That cannot be done, according to my recollection of the estimates, for less than about a half a million dollars.

Mr. CHANDLER. Will the Senator pardon me for interrupting him?

Mr. DAVIS. Certainly.

Mr. CHANDLER. I will state that the report of Captain Whipple shows that it does not fall, it has not fallen during the past two years; and, furthermore, that the passage of propellers and other vessels over that channel, although it stirs up the loose deposit, that deposit floats off, and the channel remains intact. In his estimation, and in the estimation of men well acquainted with those flats and with that trade, this cut will be sufficient and will be permanent.

Mr. DAVIS. There is a great diversity of opinion among civil engineers in relation to the matter. There is a great diversity, too, in relation to a proposition which the Senate seemed to decide as though it was as plain as A, B, C—the question of a fluctuation, running through a term of years, in the tides of the lake. I shall not enter into these problems. They are not necessary to any conclusions which I wish to draw, and I do not choose, on this occasion and in this place, to discuss a problem so entirely outside of our legislative duties. I think the President relies on authority, which very few will successfully dispute, in relation to the increase of water in a term of years. Captain Whipple, an officer of very high intelligence and very high attainments, who has charge of the particular work, anticipates a subsidence of that tide to a state of things which will require an appropriation in the manner in which the President presents the question in his veto message.

It has also been argued by some of the best engineers that the channel will be worthless if other work is not done. Others have argued that by giving it sufficient width it could not be filled up; and others, again, have argued that it ought to be narrowed, so as to maintain a strong current. All these are questions, however, which do not enter into the line of argument

which, I think, leads me to the only conclusion we have to adopt: is this a work for the United States, or is it not? I concur with the President, that it is not necessary for military purposes. It, therefore, resolves itself into a consideration, if it is our duty to keep open this channel as one of the channels of commerce. That it will contribute to the military strength of the country in time of war is unquestionable. So will every work of internal improvement in the United States. So will a canal around the falls of the Ohio. Wherever transportation is required, providing the means for that transportation will increase the power of the United States, and enable them to meet the contingencies of war. It must, however, to bring it within the power to maintain an army and provide for the exigencies of war, be so directly and palpably essential to the military uses of the country as to be put outside of the general consideration which belongs to everything that advances the general power of the United States.

As a question of commerce, I do not think the Senator's criticism at all fair against the President's objection to deriving from the power to regulate commerce the power to create it. It matters not to tell me that so many hundreds of tonnage are employed. It is nothing but a means. If there be the power to create a channel over which those vessels float, it might with equal propriety be argued that there was a power to build the vessels in which the goods were to be carried. It is the creation of commerce, whether it be the creation of the channel, whether it be the creation of the vehicles, or whether it be the goods themselves, furnished by the United States; and equally subject to the objection which is made on the constitutional power. whether it be one or the other. The power "to regulate commerce," that is, to make rules for commerce, as the President argues, implies nothing for the improvement of the channels of commerce. I concur with the arguments which the President presents against this bill, and I think it is also quite unfair to arraign him for not signing a bill which he had not even the power to examine, when he had not even time to learn what appropriations had been made, and what work had been performed. Now he comes forward, after having had time, and presents his views, which he might have presented to Congress before if they had given him the bill with a sufficient number of days to examine it on its merits.

Mr. BINGHAM. Will the gentleman from Mississippi allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. BINGHAM. I wish to know whether he concurs also with the President in the practicability and feasibility of the State of Michigan levying tonnage duties to improve the channel over the St. Clair flats?

Mr. DAVIS. I will say to the Senator from Michigan that the words "tonnage" and "tonnage duties" have been the subject of some discussion and criticism here before, and that my idea of the power to impose tonnage duties upon vessels has never extended to vessels sailing from one part of the United States to another; but I have always held that it was for Michigan to improve the channel, and impose taxes on those who availed themselves of the improvement which had been made, as in the case of the toll-gates erected upon the Cumberland road. I had to refer to the veto message of Mr. Monroe to show what was the doctrine held by himself, and the doctrine of the Democracy, at whose head he stood, during his administration.

Mr. BINGHAM. Yes, sir; but this is a channel which runs between the United States and the British provinces. A large share of the commerce going through that channel goes to Illinois, Wisconsin, New York, Ohio, and Pennsylvania. Michigan has no control over the channel. It belongs to the United States.

Mr. DAVIS. I understand the Senator. Being navigable water of the United States, of course Congress must give its consent, just as it gave its consent to the city of Baltimore to levy tonnage duties on vessels coming up the river to the city of Baltimore, being within the jurisdiction of the United States. I take the last case. The President cites only one. I take the last case of such a law. Being water within the jurisdiction of the United States, the State of course could not close it, because it is a national highway; but, with the consent of Congress, the State could lay taxes or tolls and make improvements so as to facilitate the transportation of commerce across it. And, in relation to the St. Clair flats, I may say, that this question is not to me entirely new. In the failure of appropriations, the merchants of Detroit, at one time, thought it advisable that they should undertake to improve it themselves. I cordially concurred in the view which they took of it at that time, made an estimate of such assistance as it was possible for the War Department to furnish in the shape of dredging-boats, and other things they then had on hand, that for \$121,000 they could open the channel so that it would answer for the year's commerce. The President's view, therefore, in relation to the city or State sustaining the channel itself, and imposing a tax on the local

commerce which would maintain the local improvement, is in exact accordance with the opinion I hold now, and have held ever since I examined the question. I entirely approve his mes-

sage in that particular.

I think, then, if I be right, that the Senator from Michigan properly desires to know how improvements can be made; and I answer him, by tolls, by taxes, by wharfage duties, by light taxes, by all of those taxes which the sovereignty of a State may impose, or joint sovereignties, having equal control of the river, by the consent of Congress, may impose, upon the commerce which passes over it. In practice, I see that it has many difficulties; but I believe it would be a better plan than the one we now have. I think it would give some continuity and congruity to the conduct of the works thus undertaken, and render secure that commerce which is now interrupted by the failure of an appropriation one year, the obtaining of an appropriation another, the greater portion of which is expended in getting ready the material and machinery, and then the appropriation fails; the boats either rot in the water, or are sunk to preserve them as long as possible, or sold, perhaps, because the Government can make no use of them in another season. It is no argument to me, to tell me how much of commerce goes through a channel. There has been no argument to me in relation to the commerce which floats past the door of my own residence—the greatest commerce in the United States. I hold, in one place as well as another, at home, as well as in any other portion of the United States, that this power to tax the whole people of the United States to improve the navigation of one locality, is an offense against the Constitution, and not to be drawn from any of its specific grants.

I do not suppose that a tax upon the cotton of Missouri, which the Senator says passes over this channel, would amount to much. The tobacco, perhaps, would give something. Missouri cotton, I think, would yield very little. Whatever the tax be, it will be for the people themselves to decide. They will put it as low as they can, and they will administer the fund as economically as they can. Instead of bargains, contracts, jobs, wasteful expenditure, as it is now presented to the public, we shall have that rigid economy, both in the sum to be named and in the expenditure of the sum when collected, which will give a full statement to every one for every cent which he has taken out of his pocket. It would be a great improvement in the machinery and operation of the Government.

As to the arraignment of the President for his position, I will only say that, from the time of Mr. Monroe down, it has been the position of those who constituted the party of which the President is the head for the time being; that he has but announced in this message in language specific and applicable to the particular case, the position which we have held for so many years; and that if these principles are involved in any debate which renders it necessary to defend them, I may then, or others who can better perform it, may enter into the defense of these principles. For the present it is only needful to show that the President directs his objections to a particular act, both constitutional and special, and founds them upon the facts of the case, which I deem wholly to justify them.

Mr. HAMLIN. Mr. President, I think I understood the Senator from Mississippi to say, with regard to the imposition of tonnage duties, that they must be imposed upon vessels coming from a foreign port, and not on those coming from one port

of the United States to another.

Mr. DAVIS. That is rather my impression.

Mr. HAMLIN. I so understood the Senator, and concur with him in opinion.

Mr. DAVIS. The Senator from Maine will recollect that we had that discussion here once before, and my position did not receive a great deal of favor. I always thought that there were other points in the Constitution covering it.

Mr. HAMLIN. I recollect the discussion, and was very glad to learn the Senator's opinion to-day, because I had been told that on a review of the question he had deemed his former opinion erroneous. I am very glad to learn that he still maintains his original opinion on this point, which I am inclined to

think is right.

Mr. DAVIS. The Senator heard me say in the Senate that upon a review of the subject, because of a discussion here, I found a point taken, I think, by a Senator from Georgia, that to allow goods from a foreign port to pass from a port of one State to be entered in a port of another without paying duty, was a fair construction of one clause of the Constitution which has been quoted on this subject. I did not change my opinion on the other point.

Mr. HAMLIN. I agree with the Senator in that.

Mr. CLAY. I only wish to say on this subject that I differ entirely with the two Senators who have just expressed their opinions. I do not think the Constitution contemplated there should be any discrimination whatever between tonnage from a foreign port and from a domestic port; and as I have prepared a bill, with the consent of the Committee on Commerce, giving the assent of Congress to the levying of tonnage duties by the State of Alabama upon the tonnage entering the port of Mobile, whether it be from any foreign port or any domestic port, I think proper to say that I prepared that bill after a due examination of the question, and that I am satisfied, whenever the Senate comes to consider it, and examine the history of that clause of the Constitution as exhibited in the debates of the convention, and the subsequent action of Congress for a period of forty years, they will see very clearly, as I believe, that there is no such discrimination. For thirty or forty years after the Government went into operation, such bills were common; and I shall be prepared, when the occasion arises, to show that many of them were enacted by the States, with the consent of Congress, levying duties on tonnage engaged in the coasting trade just as upon vessels from foreign Powers.

Mr. DAVIS. My friend from Alabama notified me of the introduction of his bill, and it was understood between us that we were to have a conversation. If I had had the benefit of that conversation, perhaps I should this merning have announced to the Senator from Maine a change of opinion. Whenever he can convince me that I am wrong, I shall change my opinion on the question. I have not changed it yet, though I am open to conviction, and I must say I am ready to be convinced; because I see the difficulties of my own position, and I see how they may

be removed if his is right.

Jefferson Davis to James Buchanan.
(From Pennsylvania Historical Society.)

To the President
My dear Sir;

Senate Chamber Feb. 8, 1860

I have the honor to enclose a letter from Mr. Carlisle in reference to Mr. McPherson now a subordinate solicitor to the Court of Claims—Mr. McPherson was the disbursing Clerk of the War Dept. when I was the Sect'y and thus my acquaintance with him was of such a character as gave me full opportunity to judge of him, and I bear willing testimony to his moral and intellectual worth.

Twenty years of training added to a mind of unusual clearness and force fit him especially for enquiry into claims arising under the laws of the U. S. and I have been gratified by frequent acknowledgements of his merit by those connected with the Court.

Assured of his fitness for the office of Ast. Solicitor I present his name for the appointment in the contingency contemplated in the enclosed note and will feel personally obliged by your favorable consideration of his claims to your selection for the office in question.

Very truly yrs.

JEFFNS DAVIS

Prest. J. Buchanan
Executive Mansion.

J. M. Carlisle to Jefferson Davis.

(From Pennsylvania Historical Society.)

Washⁿ Feb 8/60

My dear Sir:

I have learned that Mr. Rateliffe is not to be reappointed to the place of Asst. Soll. of the Court of Claims—If this information be correct I should be glad to do whatever may be in my power to aid in promoting Mr. McPherson to that place. If my testimony to his entire fitness, mental, moral, and professional, will in your opinion be of service to him, I beg that you will indicate to me in what form and direction it would avail. I know him well—and have the highest opinion of him in each of these respects. He was well and regularly educated for the bar—and although he has not had the training of general practice, that is not at all necessary (as he has abundantly shown) to the discharge of his duties in the preparation and argument of cases before the Judges in Banco.

As I know the confidence you have in him and your desire to advance him, I have addressed myself to you.

With great respect

Yrs very truly J. M. Carlisle

Hon. Jefferson Davis.

P.S. I may say that my colleague Judge Rodger and myself have often spoken of Mr. McPherson's capacity & fidelity & that he concurs entirely with me.

Remarks of Jefferson Davis on bill to abolish the franking privilege. Feb. 15, 1860.

Mr. DAVIS. The greater part of my objection to abolishing it, as to the few persons on whom it had been conferred by special act, was the indecency of the thing. My colleague obliges me to use plain language in relation to it.

Mr. BROWN. I think it is conferred on everybody by special

legislation.

Mr. DAVIS. Then there is the great error into which my colleague falls. When you confer it on an office, it is one thing; when you confer it on an individual, it is another and a very different thing. It is a complimentary act when you confer it on an individual; it is an official or public act when it attaches to the office which he holds. There is a want of decency in repealing a law by which you have conferred a compliment upon an individual. I abstained from saying so when I was up first, because I thought it was barely necessary to suggest it—that every one's own instinct would show him that it was, in its very nature, low and offensive.

As to the whole subject of distributing public documents, I have long thought we should revise our system, and adopt a new one; something which would answer the purpose far better than the one we have, and which would connect itself with the printing also; for I think a very large amount of the savings to be anticipated must come from the saving in the printing—not merely in the transportation. I had occasion, recently, in some inquiries in relation to the mode of distributing documents in England, to compare it with our own; and I think theirs far better in that respect. There the Parliament pay for the composition, for the proof, for the stitching and binding, and then they have a Printer—I think the present one is a grandson of him who first contracted for it—who prints on his own account. He takes the risk. If a document is printed and called for by a large number of persons, it is his profit. If, on the other hand, a large number of copies remain with him, he loses by it.

To this is attached another and very great advantage, realized most by those who make most use of old documents, that you can scarcely imagine one which you cannot go and buy; whereas with us members, in hot haste to send something to each one of their constituents at home, frank off the most valuable books to persons who will never read them; and when, in the course of time, the publication attracting notice, some correspondent, to whom

the book would have been really valuable, writes to a member for it, he must go to some one who has not squandered the documents put in his possession, and ask him to give him one, that he may send it to the correspondent who will make a proper use of it. Our mode of distribution, I think, is vicious. It throws the documents where they are not wanted, and it exhausts the edition before many persons who would make a valuable use of them have ascertained that they have been published, and had an opportunity to ask for them. So far as abolishing the franking privilege will reduce the printing, it will be a gain to the Treasury: it will not be an entire gain to the country. If we had large editions of all valuable books printed upon the account of the Printer, and kept until they were purchased by those who had need of them, I think we should much better answer the public purpose for which these documents are printed than by the present system.

The Congressional Globe is made an exception to the postal regulations, so as to be free of charge when sent through the mail, a privilege conferred on the work; it is made an exception, as I take it, for the public reason that all bills, and the debates upon bills, were deemed to be of that character of information which should be disseminated through the country. If they were transported by public carriers of freight, the price which would be charged by an express, by a railroad, or by a steamboat carrying them, per ton or per pound, would require but very little to scatter them all over the United States; but you make laws which prohibit the public carriers from taking mailable matter: you then charge your own mails with it, make contracts for transporting it, and when you abolish the franking privilege, you impose an expense upon the individual who receives one of these public documents, which will exceed the price that any one can afford to pay.

I think the whole subject requires revision. I have looked forward to that revision by the Post Office Committee, and in the meantime have desired to see the franking privilege abolished, except in a little very unimportant particular which was reserved by the committee; and then I believe the obstacle will be cleared away to the progress of a reform, in the wake of which will come a law in relation to the printing of all public matter, dividing it into those great documents which now constitute the principal complaint, then those reports which are required for current use, and those bills which the members require to be laid upon their desks. By thus dividing the printing into two

or three classes, it may be done upon a system far more economical than any we have ever had, and answering more fully the great public purpose for which we have heretofore printed documents.

Ethel Barksdale to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Jackson Feby. 20th 1860.

Hon. Jefferson Davis,

My dear Sir:

If you have a revised copy of your speeches delivered while on your visit to New England, I will be glad to be furnished with it. It will be well for the Delegates to Charleston from Mississippi to be prepared to meet such misrepresentations of your sentiments as unscrupulous enemies may make.

I see vague reports of a conference among Democratic Senators to consider and agree upon a platform upon which the whole party may unite in the approaching canvass; and will be much gratified to be informed of the ultimate result of their deliberations. Douglas will be easily defeated in the Convention. The South is united, to a man almost, against him. But the hard struggle will be upon the articles of faith; and here I fear will be the rock upon which our party will split. Your resolutions ought to form a basis of common action; but will the Northern Democracy endorse them? I am looking with much interest to the showing of hands in the Senate.

But to the chief object of this letter: A staunch, hard-working Democrat—an intelligent citizen—and exceedingly worthy gentleman of this country, Dr George Stokes (of Clinton) contemplates a visit to Europe the approaching Spring, and desires your aid in procuring for him an appointment as bearer of despatches, or something else that will serve him as a favorable introduction &c.

introduction &c.

If you can serve him, you will confer a favor upon me.

Meantime I will be glad if you will write him a line at your earliest convenience, informing him of the receipt of this, and of your willingness to aid him.

I remain your obliged friend truly E Barksdale

[Indorsed: E. Barksdale on resolutions.]

Jacob Jones to Jefferson Davis.
(From the Library of Congress, Manuscripts Division.)

Des Moines Feb 23/60

Hon Jefferson Davis
Dear Sir

Will you allow me as a stranger to address you a few lines, in relation to the Democratic Convention which came off at this place on yesterday? Judge Douglass had his fuglemen here, from this state and from abroad looking after his interest. But as was to have been expected he had a large majority in the Convention. But what is strange to me is, the Douglass Democracy boast they are more opposed to slavery than the Black Republicans are, they claim to have secured, the Freedom of Kansas, they all claim they would oppose the extension of slavery in the Territories, as citizens of the same, for they all denounce the institution of slavery as bitterly as the Black Republicans. Mr. Douglass Free Port speach is referred too to show his feelings on the subject. The Black Republicans only claim the right by Congress, to prevent the further extension of slavery this is honest bold and a manly position. We know where to find them. But Mr Douglass position in regard to his squatter sovereignty is deceptive, and more fatal, for his principle invites the Slave holder to come into the Territories, to be unceremoniously kicked out again. His doctrine will keep up an everlasting agitation of the question of slavery, which must result against the institution, and as every Democrat of the Douglass stripe who makes a speach in the Free States emphatically declare, they are opposed to slavery, and denounce the institution and only claim to differ from the B. Republicans in the Mode of reaching the subject. Can the South rely upon the Douglass Democracy? If Judge Douglass is nominated for President and he should carry Iowa, it will only be by the fact they convince the people they are more hostile to slavery than the Black Republicans are-

I am very Respect yours
JACOB JONES

[Indorsed: Jacob Jones of Iowa political].

Remarks of Jefferson Davis on the bill for the sale of arms to the states. Feb. 23, 1860.

Mr. DAVIS. I asked the Senate to consider a bill the other day, and it was postponed until two o'clock to-day. It is a few minutes after that time. I do not wish to trespass on the time of the Senate, but I hope the bill may be passed without any discussion. The Senators who proposed the postponement did so in order to understand the bill, and will probably understand it by its bare reading.

The PRESIDENT pro tempore. The bill under the control of the Senator from Louisiana is the first order of business, if

insisted on.

Mr. SLIDELL. I shall not object to the consideration of this bill if it leads to no discussion. I have no reason to apprehend that it will, however.

The motion of Mr. Davis was agreed to; and the Senate resumed the consideration of the bill (S. No. 45) to authorize the sale of public arms to the several States and Territories, and to regulate the appointment of superintendents of the national armories; the question being on ordering the bill to be engrossed and read the third time.

Mr. HALE. I move to strike the second section out of the bill. Mr. FESSENDEN. You had better strike out the first.

Mr. HALE. Those who want the first stricken out may move it, but I do not care about it. This is a matter that, until within a year or two, has been before Congress, I think, ever since I have had the honor of a seat here. I know it was contested year after year. Delegations from the mechanics at the places where these armories are, from Massachusetts and from Virginia, were here beseeching Congress to interfere; and after a very long deliberation, which continued for many years, Congress deliberately adopted the present system, placing the armories, which are, in fact, substantially manufactories and nothing else, under civil superintendence. I do not know that the discretion that was reposed in the Executive was or was not wisely exercised; but I know that it was a subject which occasioned very great interest in the country at that time, and amongst the mechanics especially. I had no very great feeling upon it; I do not know that I had any at all; but I know that I was appealed to both by my acquaintances in the Army and in the civil service, and the subject was deliberated and debated upon a great while. These changes, I think, had been made heretofore. I think once, whilst Mr. Bell was Secretary of War, the change was made by the simple order of the Secretary. Am I not right? The chairman of the committee says I am not right; but the change was made.

Mr. DAVIS. The change was made, but not by a simple order of the Secretary of War. It was by act of Congress, which it is now proposed to repeal.

Mr. HALE. The change was made by an act of Congress in 1854; but was the change that was made when Mr. John Bell, of Tennessee, was Secretary of War, made by an act of Congress? My impression is—I may be mistaken in it—that when Mr. Bell was Secretary of War, he made it of his own authority, and without an act of Congress; and since that, after it had been changed several times, it was fixed by law-not in a hurry, not without much deliberation, and not without a very earnest remonstrance from the mechanics that were employed in these manufactories, against being subjected to what they called military rule. It is natural with the chairman of the Committee on Military Affairs. from his education and position and life, that he should have a little prejudice in favor of the military superintendence; and when I say that, I say nothing more than that he is, like other men, subject to the influences and prejudices of his life and education. I do know that, at that time, there was a very general repugnance expressed against this measure; and in Massachusetts. the gentleman whom we have lately confirmed as collector of the city of Boston was appointed to superintend the armory at Springfield, and I think it was an exceedingly acceptable appointment. If there is any presumed necessity for this measure. on account of anything growing out of the late seizure of the armory at Harper's Ferry—and I apprehend that, in fact, that excitement is what has occasioned this bill—I should like to know it. It seems to me that we should not reverse a policy that has been deliberately adopted, from a feeling growing out of what is an extraordinary, and may be said to be an accidental fact. If there are any particular reasons why it should be done, I am not strenuous about it. I do not know a single man in one of these armories: I know nothing about them; but if there are any reasons why this change should be made, I hope the chairman of the Committee on Military Affairs will favor the Senate with them.

Mr. DAVIS. I will not argue the question, because I will not consume the time of the Senate. If it be needful to argue the question at all, I will do it at some other time and on some other bill. I will merely state now to the Senator from New Hampshire that it was rather, I think, interested persons, than the me-

chanics, who made the clamor on a former occasion. Persons who were prejudiced against particular superintendents, or persons who hoped to be superintendents themselves, I think, made the principal part of the clamor. The mechanics in the armories, I believe, were well content. But the principal motive which urges me now to recommend the change is the fact which has come to my knowledge from an ordnance officer in whom I have full confidence, and who has been charged with inspection, that the decline in manufacture at Harper's Ferry has been so great that now the arms will not interchange; whereas it has been for some twelve years the boast of our country that not only would all the arms made at each armory interchange, but that arms from the two armories would interchange wherever they were brought together. This is the result of putting men in charge of the armories who have had no special training; who have no special interest; who exercise no discipline; who, it is to be feared, are electioneering with the men rather than performing their duties as public officers. That is my reason. It may go for what it is worth. If the Senate think proper to retain the system of civil superintendence, they can strike out the second section.

Mr. FESSENDEN. I should like to hear from the chairman of the Committee on Military Affairs what the reasons are upon which the first section is founded.

Mr. DAVIS. It is, that the volunteer companies of the States desiring arms, may purchase them of the Government manufacture. It is a long-settled policy—and I think a wise one on the part of the United States—to furnish arms, of the approved pattern for the public service, to the militia. The appropriation which is made to supply the militia annually with arms has not been found sufficient. There are constant applications for arms beyond the quota. The Secretary of War has no authority to issue them beyond the fixed allowance to each State, being its pro rata share of the arms which may be made with \$200,000. The Secretary of War, under that pressure, has this year recommended that the appropriation for the arming of the militia should be increased. In the meantime there are volunteer companies with State appropriations anxious to obtain arms if they will be furnished. If the Congress thinks proper to exclude them from the purchase of arms from the armories, then they must go to private establishments, and get patterns which are not those established by the Government-arms which I believe to be inferior; and arms which, if they were brought into the service of the United States, in the event of the country being

involved in war, would not receive the ammunition which the Government supplies. If they are to buy arms at all, it is therefore advantageous that they should buy the Government pattern.

There is another reason. We have machinery, shops, and power, which would enable us, with a sufficient appropriation, to make at what is called the full plan, forty thousand stand of arms per annum. Our appropriation but enables the armories to make eighteen thousand per annum. The difference between the two, then, could be made without increasing the work-shops, the machinery, or the power; and if this money was turnished by purchases on the part of the militia, you would go on as now, increasing your own supply of arms and using the money supplied by the militia to work up the full establishment. You would arm the militia more rapidly than can be done by such appropriations as the Congress will, and, I believe, ought to make. These are the reasons.

Jefferson Davis to James Buchanan.
(From Pennsylvania Historical Society.)

Senate Chamber Friday—Feb. 24. ('60)

To the President My dear Sir.

Mr. Slidell and myself desire to see you on an important matter and will call for that purpose this evening at 9½ o'Clock.

Your friend JEFFN: DAVIS.

William Maynadier to Jefferson Davis.
(From the Library of Congress, Manuscripts Division.)

Washington, Febr. 27t, 1860.

My dear Col.

I have carefully read and considered the letter of the Governor of Mississippi, which I return with the accompanying requisition (in blank) for the State's quota now due. It amounts to 295 muskets, and will be absorbed by filling the requisition, as follows: viz, "The State calls for Six 6 pounder guns, two 12 "pounder howitzers, One 6 pounder gun or 12 pounder howitzer "carriage with implements and equipments, fourteen axletrees "(iron) to be fitted to 6 pounder carriages, One set of Artillery

"harness for two wheel horses and One set for two lead horses;

"the whole to be sent to my address at this place."

The foregoing are equivalent to 290 muskets, and exhaust, as nearly as can be, the quota due. The remaining 5 muskets will be added to the quota of next year. The carriage fits the 6 p'dr gun or the 12 p'dr how", equally—It & the harness for one carriage are for patterns. I have arranged the pieces so as to make two field batteries of 3-6 p'drs and 1-12 p'dr howitzer, each.

If the Governor prefers to take out the quota in rifles with sword bayonets (and he can get them sooner in that way than by purchase) the amount due will be equivalent to 175 of those arms with the requisite accoutrements. In order to procure them by purchase (prior to the passage of your bill) I think the best way will be to write to M. Jos. T. Ames of Chickopee and ask him how soon and at what price he will furnish, say four hundred Mississippi rifles with sword bayonets and 400 sets of accoutrements for the same, subject to inspection and approval by government inspectors. The present government prices for these rifles and accourrements are, \$17.40 per rifle & \$4.50 per set for accourrements. The moulds for the expanding picketballs are extra. We sent one, casting 4 balls, for every fifty rifles—price \$10.70. The one makes balls for a company. In order to have the few hundred muskets altered at St. Louis Arsenal, the Governor should write to Col. Craig asking him to instruct the Commanding Officer of the Arsenal to have it done. on condition that the actual cost of the work should be paid by the State, as also the cost of sending them to the Arsenal and returning them to the State.

To purchase the altered muskets, let a letter be addressed to the Secretary of War in this wise—"I desire to purchase, for the State of Mississippi, four thousand of the altered percussion muskets, which I understand can be sold at \$2.50 each, deliverable at S^t. Louis Arsenal in boxes of twenty muskets. If such sale be proper, will you do me the favor to have the Commanding Officer of the Arsenal instructed to deliver these muskets to such person as I may authorize to receive them, and inform me of the manner of making payment for the same?"—The Governor must get an Agent in S^t. Louis to take the muskets and ship them to such place as he may direct.—If you desire any further information, which I can give, on this, or any other, subject, it will afford me pleasure to furnish it in writing or to call on you at any time, for the purpose, if you think it preferable.

Yours very truly

[Indorsed: W. Maynadier.] W. MAYNADIER

Resolutions by Jefferson Davis, submitted March 1, 1860.

RELATIONS OF STATES.

Mr. DAVIS. Some time since I offered some resolutions to the Senate. After a conference with friends, I have thought proper to modify some portion of those resolutions, changing the language in some places. I now present the copy, as modified, asking to withdraw the other set of resolutions, and substitute these in their place; and that they be printed for the use of the Senate.

The resolutions, as now modified, are as follows:

1. Resolved. That, in the adoption of the Federal Constitution, the States adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any intermeddling by any one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext whatever, political, moral, or religious, with the view to their disturbance or subversion, is in violation of the Constitution, insulting to the States so interfered with, endangers their domestic peace and tranquillity—objects for which the Constitution was formed—and, by necessary consequence, tends to weaken and destroy the Union itself.

2. Resolved, That negro slavery, as it exists in fifteen States of this Union, composes an important portion of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States; and that no change of opinion or feeling on the part of the non-slaveholding States of the Union in relation to this institution can justify them or their citizens in open or covert attacks thereon, with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States, respectively, on entering into the constitutional compact which formed the Union, and are a manifest breach of faith and a violation of the most solemn obligations.

3. Resolved, That the Union of these States rests on the equality of rights and privileges among its members, and that it is especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the Territories, which are the common possessions of the United States, so as to give

advantages to the citizens of one State which are not equally

assured to those of every other State.

4. Resolved, That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect and unfriendly character, possesses power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories, and there hold and enjoy the same while the territorial condition remains.

5. Resolved, That if experience should at any time prove that the judiciary and executive authority do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government shall fall or refuse to provide the necessary remedies for that purpose it will be the

duty of Congress to supply such deficiency.

6. Resolved, That the inhabitants of a Territory of the United States, when they rightfully form a constitution to be admitted as a State into the Union, may then, for the first time, like the people of a State, when forming a new constitution, decide for themselves whether slavery as a domestic institution shall be maintained or prohibited within their jurisdiction; and they shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.

7. Resolved, That the provision of the Constitution for the rendition of fugitives from service or labor, "without the adoption of which the Union could not have been formed," and that the laws of 1793 and 1850, which were enacted to secure its execution, and the main features of which, being similar, bear the impress of nearly seventy years of sanction by the highest judicial authority, should be honestly and faithfully observed and maintained by all who enjoy the benefits of our compact of Union; and that all acts of individuals or of State Legislatures to defeat the purpose or nullify the requirements of that provision, and the laws made in pursuance of it, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

The VICE PRESIDENT. If there be no objection, the other resolutions will be considered as withdrawn, and these substituted in their stead, and take their place on the Calendar. The Chair hears no objection.

The motion to print was agreed to.

Remarks of Jefferson Davis on the Military Academy appropriations bill. March 6, 1860.

Mr. DAVIS. If the Senator will allow me, I think I can explain this matter so that it may be understood. There seems to

be some confusion in relation to it, and I want to put the matter straight. A bill was referred to the Committee on Military Affairs, which bill was sent to the War Office for information and the views of the Secretary. The Secretary replied yesterday. The Committee on Military Affairs have not had a meeting since this reply was received. Therefore, of course, I have not reported it back to the Senate, nor does it appertain to the amendment to this bill, otherwise than as it belongs to the same subject. His reply was upon a bill which was before the Committee on Military Affairs, and I expect to get the action of the committee on it to-morrow. If this subject is called up for consideration, the information called for can be laid before the Senate and digested as they think proper.

On same bill. March 14.

Mr. DAVIS. I do not know where the Senator derives the information of frequent changes. I have heard of but one. Within my knowledge of the Academy, which goes back a great many years, I know of but one change, and that was to add a year.

Mr. FESSENDEN. I think the Senator is mistaken.

Mr. DAVIS. It is true that the subject has been under contemplation to reduce the term again to four years, but it has not been done. It is also true that a board is now examining the programme of studies. What conclusions they will reach, how far they may propose to change the programme of studies or what alterations they may suggest, I do not know. I do not think the board of officers have yet reached any conclusion. I should think it unfortunate, under these circumstances, to fix the period by law; but if it were proper to fix the period at all. I should then propose to fix it at the period which is now established. Instead of attempting to change it by law, which is to change all the programme of studies of the institution, I would prefer to fix it at the term which now exists. If there is any fear of such vacillation as to disturb the efficiency of the Academy, then let it be fixed at the existing term. I believe it is better than four years.

Whilst the subject is before us, I will say to the Senate the question is one which may be stated very simply and in a very small space. It is whether you will throw open the Academy to the competition of all classes of boys in our country or not. If those having the least advantages in early life, those born beneath an unfriendly star, whose poverty has not permitted them to acquire the preliminary instruction at home, are to enter

the Academy at all, it must be upon a very low standard of acquirement. If you adopt the present low standard, then it is quite clear you cannot teach all that it is proposed to teach in the Academy within the period of four years. If you raise the standard so as to bring them into the Academy with the preparation which would enable them to enter college or the equivalent of it, they can complete the course very readily in four years. If the Senate think proper to reduce those who may be admitted into the Academy to such as have had considerable preliminary instruction at some other place, I see no objection then to reduce the term.

Mr. FESSENDEN. I would like to ask the Senator for how many years since the establishment of the Academy the term has been five years?

Mr. DAVIS. I think this is about the sixth year.

Mr. FESSENDEN. By whom was the change made?

Mr. DAVIS. It was made while I was Secretary of War.

Mr. FESSENDEN. Has it not been changed back since?

Mr. DAVIS. There has been some confusion about it. There was once a programme of studies sent on to reduce it to four years, but the programme was not accepted. The term remained, consequently, at five years.

Mr. ANTHONY. I should like to ask the Senator if there has not been some recent change, if the term has not been changed from five to four years, and then from four to five years, within

a very short time?

Mr. DAVIS. No, sir.

Mr. ANTHONY. I have heard that from members of the Academy.

Mr. DAVIS. I think I can understand perfectly why these questions are asked me. Cadets have believed that the course was reduced to four years, from rumors at the Academy, and then that it was restored to five years at a subsequent period by order of the Secretary; but the professors could not reduce the term; they could only present a programme. It is, I believe, also true that they altered some of the studies under the expectation that that programme would be adopted; but it was not adopted; the course remains as it was before; the term is five years. It is known to Senators generally that the several studies, as prescribed for the four years, were deemed very laborious, and that several boards of visitors recommended a modification so as to reduce the number of dismissals, considering it thus evinced that the course was overtasking the intellect of those who were admitted into the Academy. It is also known to every

one who has taken any interest in the subject, that certain studies were excluded, particularly those of a practical military character, and the additional year was necessary for the introduction of these additional studies. We must either send them into the Army without the education which it is deemed proper they should have, or we must raise the standard of admission, or we must keep up the term to its present period of five years.

Mr. DAVIS. I will make one remark as to the last words of the Senator from Maine. I do not see how he reaches the conclusion, because the board which is now examining the programme of studies is composed partly of the academic staff. The superintendent of the Military Academy is the president of the board which now has the subject under consideration, and that board has not reported. If I had all the information to be presented by that board, I might make a decision; I might be ready to act upon it. As at present impressed, I should say if the term is to be fixed, I would fix it at five years; but I dislike to make a motion to amend, by fixing five years, because I prefer to have the advantage of the report which is to be made by that board. I think any action upon it at this time premature. If we are to fix it by law, do not do it until we have all the facts.

Jefferson Davis to Messrs. Lippincott & Co. Phila. Pa. (From Pennsylvania Historical Society.)

Washington 13. March 1860.

Gentlemen.

The frequent demand made upon me for copies of Hardee's tactics induces me to suppose that it is not generally known that the work may be purchased from the publisher, and to suggest to you that you should advertise it for sale if you have a supply on hand.

Very truly
Yours &c.
Jeffn. Davis.

Messrs. Lippincott & Co. Phila.

Pa

Remarks of Jefferson Davis on the enlargement of the Louisville and Portland Canal. March 15, 1860.

Mr. DAVIS. Mr. President, I am one of those referred to by my friend from Kentucky who consider the original act without warrant of the Constitution. I think the United States had no right to be a stockholder in an internal improvement to be made within the limits of a State; had no right to be the beneficiary of tolls levied within the limits of a State. That is my conviction. I supposed my friend knew that. Therefore I have been in favor of, and some fifteen years ago, in the other House, made a proposition, that the United States should abandon its stock to the State of Kentucky, thus reducing the capital stock, with the condition that the tolls should be reduced pro rata. I have been willing since, when the accruing dividends, to which the Senator has referred, were invested in stock, so as to make the United States really the owner of the canal, to transfer it to Kentucky wholly on the simple condition that no higher tolls or charges should be imposed upon vessels using the canal than were necessary for its enlargement and to keep it in repair. I think we are invading the soil and jurisdiction of Kentucky by holding that work as the property of the United States. I have no fear that Kentucky would not administer it, not only in accordance with her own interests, but with those who have joint rights in navigating that most important tributary of the greatest river of our country. I prefer that she should be the owner of the canal entirely, that she should make such enlargement and improvement as she may think proper; and we all know that enlargement is needed; that the increased size of the boats navigating that river requires that the canal should not only be deepened, but that it should be lengthened. The groaning commerce and the improvement of vessels has led to a class of boats not suited to the locks as made when the canal was constructed.

I concur, therefore, in all that is said of the importance of the work and the necessity for its enlargement. My objection is. that the United States should be connected with it at all. is within the limits of the State of Kentucky, under her jurisdiction, and should belong to her. If, however, the Congress do not choose thus to transfer the canal to the State of Kentucky, I consider the joint resolution, as amended and offered by my friend from Kentucky [Mr. Powell], far better than the present condition. It is better that the accruing dividends should be expended for the enlargement of the canal, so as to adapt it to the commerce of that great tributary, than that they should be accumulating for no use. I think it is better than the present condition, though it does not get rid of the constitutional difficulty entirely; and I would very much prefer to have the canal transferred to the State of Kentucky, so far as the interest of the United States is concerned, without any other consideration than the obligation that tolls should not be raised beyond the amount necessary for its enlargement and repair.

Mr. CRITTENDEN. I should desire to see that done.

Mr. DAVIS. I know how difficult it is for one hastily coming to the consideration of a subject to decide on all the reasons which may have governed the action of the committee by whom a measure has been matured. I will not venture, for that and other considerations, to offer an amendment. The committee may have had views which do not occur to me. Though I have often reflected on this subject, and at various times during my congressional service I have had to consider it, there may be considerations with which I am not familiar. I will abstain, therefore, from interfering with the resolution, merely stating the preferences I have for a different course, and my objections to this.

Mr. FITZPATRICK. The Senator from Ohio [Mr. Pugh], who is detained by indisposition, would vote for the resolution, if here. I have paired off with him, and therefore cannot vote.

The question being taken by yeas and nays, resulted—yeas 30,

nays 14; as follows:

YEAS—Messrs. Anthony, Benjamin, Bigler, Bright, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Durkee, Fitch, Foot, Foster, Hale, Hamlin, Harlan, Hemphill, Johnson of Arkansas, Kennedy, Lane, Pearce, Powell, Sumner, Ten Eyck, Wade, Wigfall, Wilkinson, and Wilson—30.

NAYS—Messrs. Bragg, Brown, Chesnut, Clay, Clingman, Davis, Green, Hunter, Iverson, Johnson of Tennessee, Latham,

Mason, Rice, and Toombs-16.

So the joint resolution was passed.

Jefferson Davis to James Buchanan.
(From Pennsylvania Historical Society.)

Washington March 17, 1860

To the President,

I recently received a letter from Mr. Wilkins in relation to the appointment of his Grand Son to a commission in the army, and in my reply informed him that I knew you were anxious to provide for the young gentleman in that way. To day a friend writes to me that if you select a Captain from the 2d or 6th Infty. that two vacancies will result the senior 1st Lieut of each

of those Regts being an Asst. Quarter Master and having elected as the law requires to vacate their line commission, when tendered promotion to a Captaincy; and thus the cases of both Lay and Sanders might be provided for in an unexceptional manner.

I write not to renew a subject which from its minuteness must be wearisome to you, but to give you information from the army Register which I supposed might be acceptable.

Very truly your's

JEFFN: DAVIS.

J. G. Dickerson to Jefferson Davis¹

(From the Library of Congress, Manuscripts Division.)

Belfast March 17, 1860

Hon. Jefferson Davis,

Sir,

Availing myself of a very brief acquaintance, I take the liberty to address you upon the subject of the approaching Charleston Convention.

And I beg to say first and ever, that the assertion that Mr. Douglas is the only man that can carry the requisite number of electoral votes at the North is false. On the contrary he is by no means the strongest man at the north, and has more enemies to day among the northern democracy than all the other gentlemen spoken of in connexion with the nomination.

In my judgment, at least, two fifths of the northern democrats regard him as the chief, if not the sole cause of our dis-

sensions upon the territorial question.

I trust, therefore, that the south will stand firmly, and not be cajoled or driven into the nomination of Mr. Douglas at Charleston, for, if nominated, it must be by southern votes. The national men at the north could not but regard the nomination of Mr. Douglas as a repudiation of themselves by the South for their fidelity to southern rights. If northern democrats should be thus oversloughed with what courage could they resist future Douglases in their free-soil efforts?

I regret to say, though I am not at all surprised, that Col. Johnson, the old line Whig we nominated for Congress in 1860, as a matter of policy—none of the delegates being elected by or for him—has been a Douglas squatter sovereignty man for a

¹Lawyer and jurist (1811-1878). Justice Supreme Judicial Court of Maine from 1862 to 1878; degree of LL.D. by Colby. Jonathan Garland Dickerson.

year. It was by his influence that Douglas delegates were elected from this district. We elected a large majority of delegates to the convention which elected the Charleston delegates, who were friends of the administration, anti Douglas and anti squatter sovereignty—but we were oversloughed through his intrigues, and that of others. I believe he is now in Washington and I know not what phase he assumes there, but at home he is an out and out Douglas man, and an advocate of all his doctrines. The vote in New Hampshire ought to satisfy the south that a President can never be elected on Douglas' platform, for the Douglas men had every thing their own way there, and the result is a large rep. gain. When the democracy of New Hampshire plant themselves upon the constitution instead of squatter sovereignty. they may hope to succeed, and not till then. I see it stated that Mr. Douglas' friends point to this election as a forerunner of the result, if he should not be nominated: the suggestion is too ridiculous to be seriously considered.

I think the result in Connecticut will show a different complexion of affairs, and I am glad that that will come off before the Charleston convention.

I can assure you, the skies are brightening in Maine. We have carried a majority of the towns in this county which went republican last fall by 1200 maj. For the first time in ten years we elected our mayor in this city last Monday by 29. maj. a net gain of 172 on last year, or enough to elect our governor in September by 10,000 maj. should the rest of the state do as well. Our Mayor elect is a decided administration man—another proof that other than Douglas men are wanted by the people. It is my deliberate opinion that Douglas is the weakest man at the north, even, that you can nominate. If you go South, yourself, Cobb Breckenridge, Slidell or Hunter would beat Douglas at the polls in the north; and if you come north Dickinson or Lowe, or Seymour would do the same.

The national men at the north are desirous that the south would unite upon some man either north or south.

Can the south do this? And what are Mr. Douglas' chances? It would be quite agreeable to receive a line from you, if you have the time and inclination to do so. Perhaps I might be of some advantage to our southern friends in a certain contingency.

If the New England Douglas delegates could be made to believe that he cannot be nominated—many of them at least would not give him even a complimentary vote. But how are they to be satisfied of that fact? I answer, by an authoritative assurance from prominent southern men, that he cannot carry a sin-

gle southern state in the convention. Can our southern friends give that assurance? If so who will do it?

I fear that I have already wearied your patience, and my sole apology is the deep interest I feel in the success of sound

principles.

I take the liberty to enclose you my article on the Senatorial caucus resolves, and to suggest for the Charleston platform— "the Cincinnati platform and the fifth senate caucus resolve added to it."

I am very Respy, Your Ob't Serv't J. G. DICKERSON

[Indorsed: J. G. Dickerson of Belfast Mepolitical.]

J. D. McPherson to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

1860

Dear Sir,

Yours of the 5. with an article in the Ohio Statesman has just been received— Having engagements with claimants to attend to business to-day & to-morrow, I fear I can not get to see you before your departure. I will immediately proceed to expose the falsehood of the charges & will send the article to a friend in Cleveland O. who will I hope procure its insertion in a paper there—if there be one there yet open to truth from this latitude & also to the Constitution. Perhaps I will do better to send it to the Constitution first & get it copied in the Ohio paper.

A very intelligent man to-day asked me in good earnest what was the difference between Douglas & the South. If people here don't yet understand, how can it be understood in the North? Your resolutions will be understood and will command the assent of the country in 1864, but for the present Manypenny & his set are perfectly secure in assuming that Pierce stood upon the doctrine of squatter sovereignty—his leaders yet know no better.

With warm wishes for your welfare and success & the happiness & health of your family I remain as ever

[Indorsed: Political
Jno. D. McPherson
about Manypenny.]

Sincerely yours
J. D. McPherson

E. D. Beach 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Springfield March 19, 1860.

Dear Sir.

I have watched the progress of your bill for the restoration of the national Armories to the Military Superintendency with much interest. I hope it will pass, but I am totally ignorant as to its chances in the lower branch of Congress.

I learn, that trusting in its failure, Mr S. C. Bemis of this place, one of its noisiest opposers & bitterest enemies, is making vigorous efforts to secure his own appointment to the vacant office.

I do not believe a more unfortunate appointment, unpopular & disastrous, could be made. I hope you will oppose it as far as you consistently can.

You will perhaps recollect meeting me in Faneuil Hall during our State canvass a year ago last Autumn— I trust your health is restored, and that I may again meet you in New England.

Knowing that you take a deep interest in the success of the democratic party north as well as south, I have ventured to address you this note, and will thank you to consider it a private communication.

Yours truly E. D. BEACH

Hon J. Davis Washington

My most earnest prayer is that the approaching Charleston Convention will act in harmony and give us a candidate who will command our whole united vote— Whoever he may be, he shall command all the influence I have. Allow me to add, I should give it as cheerfully and gladly for you as any man I know.

[Indorsed: About Mil. Sup. of Armories—]

Prominent lawyer, editor, leader of the Democratic party of Massachusetts, candidate of the party for governor of that State in 1860; member of State senate, 1850-51, opposed Charles Summer for U. S. Senator.

Remarks of Jefferson Davis on the consular and diplomatic bill. March 26, 1860.

Mr. DAVIS. I have an amendment to come in after line ninety-six, containing the appropriation for the northwestern boundary commission:

Provided, That when the boundary line is determined between the Pacific Ocean and the Rocky Mountains, any unexpended balance of this appropriation shall be applicable to the determination of that portion of the boundary which lies east of the Rocky Mountains, and which has not, as yet, been traced on the face of the earth; and that the United States commissioner be, and he is hereby, authorized, in connection with the commissioner of Great Britain, to determine and trace said boundary line eastward of the Rocky Mountains, as far as the Lake of the Woods.

A very brief explanation will suffice. In 1856, when the first appropriation was made to trace the boundary line between the Territory of Washington and the British possessions, it seems to have been supposed that, by the treaty of 1846, we had determined the whole northern boundary line, at least so far as the forty-ninth parallel constitutes it; for, in that first appropriation, the amount appropriated was limited to the portion of the line which was between the Pacific Ocean and the Rocky Mountains. This indicates very clearly, to my mind, that it was supposed by Congress that the treaty of 1846 determined the boundary from the Lake of the Woods to the Pacific Ocean. There were many reasons why they should require the line to be commenced on the Pacific Ocean, which it is not necessary now to consider. But we find ourselves in the condition of a treaty which is about to be executed under this appropriation, so far as the land portion of the boundary line is concerned; and then. instead of the same treaty (as seems to have been the supposition of Congress when the act of 1856, making the appropriation. was passed.) extending to the boundary on the east side of the Rocky Mountains, that portion of our boundary was provided for by the convention of 1818, but has not been traced upon the face of the earth. Our settlements, in the meantime, have extended along some portion of that line, in the valley of the Red River of the North, and it has become important that we should know what is the exact dividing line between the British possessions and the United States.

Unless the amendment which I have offered be adopted, when the commissioner has reached the Rocky Mountains it will devolve upon him to return to the Pacific Ocean, and bring home all his assistants, and make out his report of so much of the boundary as lies between the Pacific Ocean and the Rocky Mountains; and I believe the expense of returning from the Pacific coast thus to find his way to the Atlantic coast, will be equal to a sum which would serve to extend the line considerably on the east side of the Rocky Mountains and towards the Mississippi River. By crossing over the Rocky Mountains in the fall of the year, when his labors will terminate, and going to Fort Benton, he will be in a position there to receive his supplies in the spring, and much more economically can extend the line to the Lake of the Woods than can ever be done if this organization be broken up and the work afterwards renewed.

These are the principal considerations in offering the amendment.

Mr. HUNTER. Mr. President, as it now stands, we have appropriated what is estimated to complete the survey, which, according to the statement of the Department, was required by the treaty; that is, the line west of the Rocky Mountains, making in all about three hundred and fifty miles. I do not know—the Senator from Mississippi is a better judge of that subject than I am—whether any surplus will remain out of this appropriation; but my objection to the amendment is, that it will initiate another survey; it will commence a survey of all that portion of our northern boundary between the Lake of the Woods and the Rocky Mountains. This may be very proper to be done, but it ought to be begun now as a separate and independent enterprise. We ought, at least, to know whether the British Government will join us, so that the survey, when made, shall bind both Governments. In the absence of all that information, it seems to me an appropriation bill just here is not the place to commence such an enterprise or such a survey as that. If the Senator will bring it up as a separate bill, or if he will give us all the information necessary, perhaps by the time some other appropriation bill may come up to which it may be germane, I may vote with him; but in the present state of my information upon the subject, I should be unwilling to take the responsibility, so far as a vote would attach any responsibility to me, of initiating an additional survey, as it seems to me this would be; that is, a survey between the Rocky Mountains and the Lake of the Woods.

Mr. DAVIS. The Senator has stated, only in other words, a very good argument for the proposition which I make. The

estimate, as he must be aware, covers the expense of taking the party from the Rocky Mountains back to the Pacific Ocean, and bringing them from there to this portion of the United States. That sum of money, if expended in extending the line agreed upon by the convention of 1818, would carry the party far to the eastward of the Rocky Mountains. So far from there being anything valid in his objection that this is beginning a work, and that I ought to bring it up and inaugurate it by a new act, he must be aware that there has been a party in that remote region with their instruments, and if we scatter them, and afterwards reorganize a party requiring new instruments and new assistants, sending them into the field will involve a very heavy expenditure as well as delay in the work. That portion of the water boundary which constituted the agreement or treaty of 1846 certainly involved us in liability to controversy with Great Britain, and it was needful to have it speedily executed; but except that, there is no portion of the line between the Pacific Ocean and the Rocky Mountains which was nearly as important as that between the Mississippi River and the western extremity of the valley of the Red River of the North.

The importance of tracing and marking upon the face of the earth a geographical line depends very much upon the liability to contact, the value of the land, and the hazard of controversy between the people residing on the two sides of it. We have been surveying a line on the west side of the Rocky Mountains. now hastening to completion, along which there is no probability of contact. It is a remote period, indeed, if we ever shall have population there. The same is true immediately on the east side of the Rocky Mountains; but as you approach the Mississippi river, the fact changes, and there it is important that the line should be traced. I see no advantage, therefore, in delay. I see increased expenditure in consequence of delay. As to the British Government being associated with us, that was so plainly a requisite, that it is stated in the amendment. We have fallen into vast confusion, in the legislation, at least, in regard to the survey of that boundary. It was originally supposed that the commissioner appointed by Great Britain was to run the whole line; but it was afterwards ascertained that the commissioner appointed by Great Britain had no authority, except to define the water boundary. Then another commissioner was appointed to survey the land boundary; and my impression is, though I am not able to state it at all positively, that the commissioner appointed by Great Britain for the survey of the land boundary has authority which would suffice until he reaches the Lake of

the Woods, or, indeed, unless we consider the residue of the

boundary settled, until he reaches Lake Superior.

Mr. HUNTER. What will remain of this estimate. I do not know, nor does the Senator from Mississippi. The Department estimates that this sum may be required to finish the survey to the Rocky Mountains—three hundred and fifty miles. Of course the party will have to come home; and it will cost no more to come home in one direction than the other. I presume: probably less to come home by the Pacific Ocean than to cross the country on the eastern side of the Rocky Mountains. We know that anything which might remain of this appropriation would be a mere drop in the bucket towards executing the survey east of the Rocky Mountains to the Lake of the Woods. When we have once commenced, we shall go on; we shall have an estimate from year to year until the work is accomplished. It seems to me such an enterprise as this we ought not to enter on in this hasty manner. We ought to wait until we have an estimate. There is no proposition from any of the Departments: there is no statement of what it is to cost. I do not know that there is any stipulation by which we should have a joint commission to run the boundary. Under these circumstances, I think I am right in asking a delay in commencing such an expenditure. What is the reason of using the little balance that may exist, for running a little part of this survey, unless we intend to carry it on, and if we intend to carry it on, why commit the Government to the undertaking until we know something more about it? I think it would be better to wait and mature this scheme, and bring it forward hereafter, either in an independent bill or otherwise.

Mr. HAMLIN called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 26, nays 9; as follows:

YEAS—Messrs. Benjamin, Bigler, Clark, Clay, Collamer, Davis, Fitch, Fitzpatrick, Foot, Grimes, Gwin, Hamlin, Harlan, Hemphill, Johnson of Arkansas, Johnson of Tennessee, Lane, Latham, Mallory, Nicholson, Polk, Rice, Saulsbury, Sebastian, Sumner, and Wigfall—26.

NAYS-Messrs. Chandler, Fessenden, Hammond, Hunter,

Iverson, Mason, Powell, Simmons, and Ten Eyck-9.

So the amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time and passed; and the title of the bill was amended by adding the words "and for other purposes."

Remarks of Jefferson Davis on bill for the sale of arms to the states. March 26, 1860.

The PRESIDING OFFICER. The next bill before the Senate

regularly is the homestead bill.

Mr. DAVIS. I move to postpone that with a view to take up the bill (S. No. 45) to provide for the sale of arms to the States, which has been several times discussed.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 45) to authorize the sale of public arms to the several States and Territories, and to regulate the appointment of superintendents of the national armories, the pending question being on the amendment of Mr. Hale, in the fifth line of section two, after the word "repealed," to strike out the words, "and that the superintendents of those armories shall hereafter be selected from officers of the ordnance corps."

Mr. DAVIS. That question has been so fully discussed heretofore that I believe I have nothing to add. I have received a statement in relation to the course of instruction at West Point, showing how fully it covers that branch of mechanics which is so requisite to one who takes charge of these armories; but the subject has been so much discussed that it is unnecessary.

Mr. MASON. When this bill was before the Senate on a former occasion, in reference to the particular clause now under consideration, in some way, I do not know how, an impression prevailed, that was alluded to afterwards by my colleague here, that in some remarks I made on the expediency of changing the present mode of superintendence at the armories, I had spoken in some way disparagingly of the officer who is in charge as superintendent at Harper's Ferry. I only want the permission of the Senate to allow me for an instant to do justice to that officer, and to remove any such impression. The gentleman who is now the superintendent at Harper's Ferry is one who has been known to me, and his family before him, for a great many years. I know him personally; and I do not know any man more competent to discharge the duties, or who, so far as I know or have reason to believe, has discharged them better. I do not know how such an impression got abroad. He was not present; he was absent at the time of the foray of Brown at Harper's Ferry, and had been absent for a week; he is not at all responsible for anything connected with that. He had been, I happen to know, sent by the War Department on some official duties to the armory at Springfield, Massachusetts, and was absent during that whole time. Nothing was further from my mind than to make any reflection on him; and how that impression got abroad, I do not know. I looked back at the debate, and found that I said nothing in disparagement of that officer. I said nothing in his commendation because nothing was required; but nothing certainly to his disparagement. I know him to be an able, efficient, and honest man; and if this superintendency were to be continued in the civil branch of the public service, I do not know anybody more competent to fill it.

The amendment was rejected.

The PRESIDING OFFICER. The question is on engrossing the bill.

Mr. SIMMONS. What was done with the amendment offered by the Senator from Maine?

Mr. FESSENDEN. It was rejected; and the second section stands as it was, except that a new amendment has been offered by the Senator from Mississippi, which had better be read.

Mr. SIMMONS. I should like to hear the bill read as it is now before I vote on it.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to issue to any State or Territory of the United States, on application of the Governor thereof, arms made at the United States armories, and primers prepared by the United States, to such extent as may be spared from the public supplies without injury or inconvenience to the service of the General Government, upon payment therefor in cash, at the time of delivery in each case, of an amount sufficient to replace, by fabrication at the national armories, the arms so issued: Provided, That the sales of each year shall not exceed the increased manufacture which may result from said sales, and that the whole number to be sold, if less than the requisitions made, shall be divided between the States applying to purchase, pro rata, as arms furnished by the United States are now distributed.

SEC. 2. And be it further enacted, That so much of the act approved August 5, 1854, as authorizes the appointment of a civilian as superintendent of each of the national armories, be, and the same is hereby, repealed; and that the superintendents of these armories shall hereafter be selected from officers of the ordnance corps.

Mr. SIMMONS. I should like to inquire of the chairman of the Committee on Military Affairs whether it is proposed to sell arms of the recent model, that have been made within the last

two or three years. I understand we have some four or five hundred thousand arms, and of this new model there are not over forty thousand. I think, from what I can learn, that it would be better to preserve the arms of the new model for the service of the nation. If anybody wants any of the guns we have recently rifled-Minie guns-I have no objection to selling them; but, as I learn, there have been only fifty thousand of the new arms made, and perhaps about ten thousand of them have been distributed among the States. There are very few in the possession of the Government, and I think the United States troops had better be armed with this recent model of gun. If the State troops have the old model, which carries a little heavier ball. I should have no objection myself to letting them have more of the same caliber; but to undertake to keep on hand four or five hundred thousand, so that our troops will have different sized balls to their muskets, or Minie guns, or whatever you call them, is, I think, bad policy. I should like to have this distribution confined to guns made prior to 1854 or 1855, when we began manufacturing on the new pattern, if the Senator has no objection.

Mr. DAVIS. I can do little more than repeat—my respect for the Senator would induce me, of course, to repeat as often as he desires—that the proposition which is now before the Senate is but to take an arm away and put back another one of the same kind in its place. For every one that the States take, under this provision, they pay the amount of money which will replace it by fabrication at the armories, and to be replaced within the year. They cannot draw more under the provisions of the bill than can be replaced by the money which they put

in lieu of the arms thus taken away.

I will restate that the capacity of the armories greatly exceeds the appropriation which we annually make on the peace establishment. We make eighteen thousand stand of arms, when the capacity of the armories is forty thousand. If, then, twenty-two thousand are called for by the States, and money equal to twenty-two thousand deposited for them, the armories are brought up to the full establishment; they make forty thousand instead of eighteen thousand; so that the supply accumulated for the use of the Government remains the same. In the meantime, the militia are getting supplied more rapidly than under our appropriation; and I see no reason why the militia should not have the lightest model and the best kind of arms that can be carried by troops. It is not proposed to reduce the appropriation for the ordinary manufacture. That remains as before.

The eighteen thousand are still to be made as before—The increased manufacture will result from the sale to the States; and the sale to the States is limited by the capacity to increase the manufacture. That is the whole question.

Mr. SIMMONS. That does not meet the question I propounded. I suppose, of the arms made prior to 1855, we have distributed large numbers.

Mr. DAVIS. Yes.

Mr. SIMMONS. Now I propose to distribute the same kind to them, so that they will not have two calibers to the musket. and to retain the new ones for our own troops. Whatever money they pay for the old ones, I am willing to retain for manufacturing the new ones for the United States. We have got a different caliber to the musket, as I understand—a smaller bore. I think it would be better for both sides to have the United States have all their arms of one caliber, and the militia all theirs of another caliber, if there must be two. I suppose I understand what the purpose is. I have made some objection to the plan of manufacturing these arms at the paper cost, and I have taken some pains since the question has been up to find out what the cost of these establishments was, and what was the annual expenditure of the armories for the manufacture of arms, and I find that a fair interest and the wear and tear of these establishments annually amount to more than double the appropriation we make: so that every musket we make would annually cost the Government, if we had to pay interest, three times what we should get for it under this bill. I have no objection to increasing the manufacture of arms somewhat, but I would have the arms for arming our troops all of one caliber; and as the militia got some of the other kind, I thought it would be better to let them have more. I think the Senator will agree with me, as a military man, that it is a little awkward to be having State troops armed with guns carrying two-sized balls. If they have had none of the new arms, let them have the other kind, and have them of the pattern they have already got; and let us keep guns of the same caliber for our own troops. I should think that would be better, and certainly it is manufacturing them cheap enough. I have no objection to let them have the old ones. They seem to be very good arms when they are rifled. I do not desire to speculate on them, but I should like to keep these arms for our own use.

Mr. DAVIS. The Senator runs into an error which I find very often prevails, that the militia of the States are not a part of the Army of the United States. It is our glory that the

defense of the country rests upon the people. He proposes, then, to arm the militia in time of peace with a weapon which they will not use in time of war. He proposes to instruct them through the whole period of peace with a weapon such as the Government does not employ in war. Is that his proposition?

Mr. SIMMONS. No, sir.

Mr. DAVIS. That is not his proposition. Then why does he say to me that he proposes that the militia shall have one caliber of the old model, and the United States troops another caliber of the new model? Does he not know that the old model is a smooth-bore; that it cannot be brought to the condition of the new model rifled musket? It may be rifled, it is true, but not the pattern as old as some of these of which he speaks; and I imagine no one will hazard rifling the oldest model musket which is now in store. It was only the model which was made after the period of the old model that I believe it has been attempted to rifle. The others have received percussion locks; but many of them were condemned and sold-sold for a mere They passed into the commerce of the world. If the militia wanted them, they could have bought them without legislation. No men are so careful about the character of the arms they carry as the southern and western militia. They have a pride in their weapons; accustomed to use them, trained to handling the best of weapons. The question is, will the Government allow them to have them, when the Government will lose nothing, either in the accumulation of its stock on hand, or in the appropriation of money to supply the militia with arms in their hands; when nothing positively is to be lost to the Government; when it is to stop the sales as we increase the appropriations, limiting them always to the increase which may result from the sales. I cannot imagine why, upon the argument presented by the Senator from Rhode Island, he should continue to resist it.

Mr. SIMMONS. I hope the Senator will try to understand me. I understand that within two or three years the caliber of the musket has been changed, and been made smaller.

Mr. DAVIS. Yes; it has been made a rifled musket.

Mr. SIMMONS. And orders have been issued to rifle the muskets made prior to that time.

Mr. DAVIS. To some extent.

Mr. SIMMONS. I understand it is a standing order, and they are rifling them all the time. I want to know why we are going on with the expense of rifling these muskets, if they are useless. I learn that we are going on with it; making the old muskets Minie rifles, and when rifled they carry a larger ball than the new musket. The Senator says these are arms that are excluded from the use of the regular Army. I proposed to confine it to arms made up to within three or four years since, when the smaller bore was introduced; and I am very certain I have heard it repeatedly here that those muskets, when changed and rifled, would make very good muskets. If they are good for our troops, they are good for any other. I understand these new ones are rather heavier. That is all I know about it.

Mr. DAVIS. I say to the Senator that I do not think it is the weight of the weapon, but the weight of the ammunition, of which he has heard.

Mr. SIMMONS. I have heard that these guns are a little heavier to carry on the shoulder. I never heard that the ammunition in them was much. If it is the purpose to carry this bill at all events, without any reference to making up a variety of calibers in the different corps, I will not make any further objection to it. But I am quite certain that if we need these arms at all, it would be better to retain those of one caliber and sell those of a larger one, and I would have no old muskets rifled at all. I think we had better sell them for the two or three dollars we have been selling them for; but I understand there are large numbers of them that make a very effective arm by being rifled, and that the armories are now rifling them. I would prefer to sell them, and if we add anything to the number we are now making, add those of the smaller caliber. If, however, my suggestion meets such serious opposition, I do not wish to press it.

Mr. DAVIS. I dislike to enter into a mere question of ordnance; but to make the Senator understand me, I will say that I doubt very much whether the State which I in part represent would make a requisition for a single musket; they want nothing but rifles probably, and in that event he will see that his proposition would defeat the requisition entirely.

The PRESIDING OFFICER, (Mr. Mason in the chair.) The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time, was read the third time; and on the question, "Shall the bill pass?"

Mr. SUMNER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 18; as follows:

YEAS—Messrs. Benjamin, Bigler, Bragg, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Polk, Powell, Rice, Saulsbury, Sebastian, Slidell, and Yulee—29.

NAYS—Messrs. Anthony, Bingham, Cameron, Chandler, Clark, Collamer, Doolittle, Durkee, Fessenden, Foot, Grimes, Hamlin, Harlan, King, Simmons, Sumner, Ten Eyck, and

Wade-18.

So the bill was passed.

Remarks of Jefferson Davis on the bill to increase and regulate the pay of the Navy. March 28, 1860.

Mr. DAVIS. My friend from Georgia, in sustaining his amendment, thought proper to refer to the Army pay; and he has shown us very clearly that he does not know anything about He does not understand the difference between pay and allowance; he does not understand the difference between emoluments and things which are not such; and hence he arrives at his conclusion. There cannot be a worse method of increasing the pay of a body of officers than giving the same sum to every one of them. I do not think a worse method could have been adopted of increasing the pay of the Army when it was done, than by giving twenty dollars to every commissioned officer. The wants of officers, the expenses of officers, the just claims of officers, vary with their service and their rank. That error, I think, is now to be found in the present arrangement of the Army; for, though a lieutenant does not get by some five hundred dollars as much as has been repeatedly stated here—I will correct that now once for all—I believe he gets too much when he first enters the service. A very low pay, compelling him to the most rigid economy, would improve the efficiency and future independence of the officer of the Army, as I doubt not it will in the Navv.

I think the Senator from Iowa very well asked whether this proposition did not include midshipmen. Are they neither warrant nor commissioned officers when they are at the Academy? If not, then how do they get there? What is a commission? It is not a necessity that a commission should be confirmed by the Senate. It is a letter of authority, granted by the President, or one of the heads of the Departments acting for the President. I think you will find in strictness that these midshipmen are commissioned officers. I have the same opinion in relation to

cadets. I think the question of the Senator from Iowa was well put.

Again, as to the matter of an increase in the ration: it was a method adopted, and by a large portion of the Army never approved. They decidedly preferred that a sum of money should be given for each term of service. There is a bill now pending before the Senate, introduced from the Committee on Military Affairs, which recommends that we shall change the system, and, instead of giving a ration every five years, give the value of a ration for every five years. But the chairman of the Committee on Naval Affairs, while he has properly, as I think, and certainly very politely, avoided making a comparison with the Army, still refers to the fact that by a reference to the Navy Register you can see exactly how much the officer gets. I ask him, are there no allowances that do not appear in the Register?

Mr. MALLORY. I know of none.

Mr. DAVIS. Do rations at sea appear in the Register? Is

that commuted and charged to the pay of the officer?

Mr. MALLORY. I do not call the ration the officer re-

ceives at sea an allowance. His pork and beans and bread do not appear.

Mr. DAVIS. Do the lights appear?

Mr. MALLORY. The lights are for the use of the ship. The officer gets none that I know of.

Mr. DAVIS. No boys to wait on the officer? Does that appear?

Mr. MALLORY. Certainly not. They are mustered among the crew.

Mr. DAVIS. Does the furniture the officers occupy at navy-yards appear?

Mr. MALLORY. They are not allowed any. They furnish their own quarters.

Mr. DAVIS. Have they none in their quarters?

Mr. MALLORY. It was abolished some years ago. I think

improperly; and I think it ought to be restored.

Mr. DAVIS. I agree it ought to be restored. It ought to be granted to the Army, too, but it never was; and all these allowances are charged in the return as the officer's pay and announced here from year to year as so much received by the officer. He moves about from post to post; is compelled to sacrifice his furniture at one place, because it is the Government's interest to send him to another. There are frequently no quarters furnished him. Then we have an annual report, showing how much he got for commutation of quarters; how

much he got for forage for his horses, when it is well known that the allowance for forage does not half cover the expense, if he keeps them in any of the principal cities of the United States. It does not cover a third of the expense, if he keeps them in this city, if you include the equipments of the animal. These, which are taxes on the officer, sums which he can get only by encountering expenses, are to be added to the Army pay, and constantly paraded to show how much they get. On a proper occasion, I think I shall endeavor to show that the pay of the Army is low, falling far below what is constantly stated.

Mr. MALLORY. I think so too.

Mr. DAVIS. With the admission of the Senator, then, I will stop.

Mr. MALLORY. I was not aware that the chairman of the Committee on Military Affairs was addressing his remarks to me, for I have not drawn any comparison between the pay of the Army and the Navy. I have abstained from using the word "Army." I have not alluded to it in the remotest possible degree.

Mr. DAVIS. I believe I did you that justice, sir.

Mr. IVERSON. The Senator from Mississippi was rather caustic in his remarks, when he said I did not understand the pay of an officer, or know anything about it. The remark was certainly gratuitous in my opinion, and very ill becomes the Senator or the place that he occupies. Sir, I think I understand what the pay of an officer is, and I understand what his commutations for his rations are. The law gives him so much pay per month, and then gives him rations, and gives him horses, gives him servants, and gives him rations for those servants.

Mr. DAVIS. How do you make out his pay?

Mr. IVERSON. By adding to what he gets thirty cents for his rations commuted, and his allowance for traveling expenses. Anybody can understand that. I do not think it requires any great amount of brains to comprehend it. I certainly admit that I have not quite as much sense or as much brains as the Senator from Mississippi; but I think I can understand that much at least. I can understand that when you add twenty dollars a month to an officer's pay, he gets \$240 a year in addition to what he formerly received; and if you give him three or four rations a day, and say he shall draw thirty cents for the rations, I can understand how much pay he gets in that way. I do not think it is difficult to understand that.

Mr. DAVIS. The Senator vaunts of himself as being able to understand. I want to know how much an officer gets who has three horses?

Mr. IVERSON. I do not know; but on looking at the law you can ascertain. Anybody can understand that by looking at the law.

Mr. DAVIS. It is eight dollars for the forage of a horse. How much does he get for keeping three horses a month?

Mr. IVERSON. Twenty-four dollars a month, of course.

Mr. DAVIS. That is exactly one of the things which I see the Senator does not understand, when he adds it to the officer's pay, because he keeps the horses, and takes the money, and it does not pay the actual cost of keeping them.

Mr. IVERSON. I know that, because there is a provision in the law which restricts him. If he keeps the horse, he is entitled to eight dollars a month for the horse's forage, or he can feed the horse out of the rations. The commutation of forage is eight dollars a month. That is the law. I understand that as well as the Senator from Mississippi. But the object in introducing this proposition was to put the officers of the Navy and Army on the same footing precisely. Complaint has been made by officers of the Navy, that you have taken better care of officers of the Army than of them; and, I think, with justice. You have increased the pay of all grades of officers of the Army twenty dollars; you have increased the commutation price of the ration from twenty to thirty cents. Now I want to put officers of the Navy on the same footing; give them the \$240 a year in addition to their present pay, provided it does not go beyond a certain amount in certain grades, and also give them the additional service ration for each additional five years' service, at thirty cents a ration. That is precisely the law in relation to officers of the Army; and I propose to put the naval officers on precisely the same footing.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment of the Senator from Maine.

Mr. IVERSON. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

Mr. DAVIS. Now I have some amendments to offer to the amendment of the Senator from Maine. I propose, after line ninety-eight, to insert:

Provided, That nothing in this act shall be construed to diminish the legal pay of any purser now on sea or shore duty, during his present term upon such duty.

I understand that there are a few cases in which, if the proposed pay be adopted, there will be a reduction. This is to prevent a reduction whilst they are on their present duty.

Mr. FESSENDEN. That is right.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. I wish to modify the substitute which I proposed, to make it conform to the amendment which was made to the other bill in relation to the pay of commanders, on the motion of the Senator from New Jersey. In line twenty-three, page 2, strike out "eighteen hundred," and insert "twenty-two hundred and fifty;" and also in line twenty-seven I strike out "two thousand," and insert "twenty-two hundred and fifty."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DAVIS. I have another amendment to the amendment of the Senator from Maine, to insert after line forty-nine:

That those retired or dropped officers of the Navy whose promotion to a higher rank was involved in their restoration to their original positions on the active list with that rank also dated back, shall receive the difference between the pay of said rank from the back date thereof to the date of the confirmation of the same by the Senate of the United States, and the pay of a former rank which they have actually received for that interval: *Provided*, The amount individually does not exceed that which any officer of like grade now below them respectively in rank on the active list has received.

I understand the fact to be that some of the officers who were restored were restored with higher rank, their promotion having been delayed; and the consequence was that it gave them the pay of the grade which they were holding when they were retired, instead of that to which they were entitled.

Mr. MALLORY. I hope that amendment will be withdrawn, or at all events will not be passed. The Committee on Naval Affairs have that subject under consideration now.

Mr. DAVIS. I did not understand the matter to be before the committee. I do not wish to interfere with it. I withdraw the amendment. M. D. Haynes 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Treasurer's Office, Jackson, Miss., March 31st 1860.

Hon Jeff Davis

Dear Sir

I have the pleasure to acknowledge, under your frank, the 10 Volumes of Pacific Rail Road Survey—for which, Please accept my thanks—I Should like to get the bound Copy of the President Message & accompanying documents—also, bound copy of the Secretary of The Treasurys Report—if it is not too Much trouble.

Nothing New in Mississippi—Times in Jackson are very dull—No political excitement—Douglass could not get a Respectable Electoral Ticket in Missi if Nominated at Charleston—There isn't 7 leading men in the State that would Serve—They would feel themselves personally degraded to do So—Such is the General feeling in Missi—There are a few men, mere camp followers, who, perhaps, would want Missi to vote for Douglass if nominated—But I apprehend the Charleston Convention will act Sensibly & tell him to go—I do not believe he Could even carry Illinois in a Presidential Canvass—In the last Canvass for Senator, the popular Vote of that State was against him—It would be worse than Suicidal to nominate him—It Certainly Cannot be done—

Yr Friend Truly
M. D. HAYNES

[Indorsed: M. D. Haynes].

Remarks of Jefferson Davis on the bill for the benefit of schools in the District of Columbia. April 12, 1860.

Mr. DAVIS. Mr. President, the propositions, both the main one contained in the bill and that contained in the amendment, I think, rest on two fundamental errors: in the first place, that our Government was instituted for eleemosynary purposes, and in the next place, that it was instituted for a mixed race. This Government was not founded by negroes nor for negroes, but by white men for white men. It was not founded for elee-

¹ Treasurer of Mississippi.

mosynary purposes, but as an agent of the States; and there is no right to take one dollar from the Treasury to appropriate it to public schools.

Mr. HARLAN. I inquire, with the Senator's permission, if there is a right to take money from the public Treasury to sustain a penitentiary in this District for the punishment of persons who have committed crimes within the District?

Mr. DAVIS. Certainly; I think so. It is necessary to preserve order at the seat of Government. Jails and penitentiaries are essential to that end; but to establish a system of education to take care of the children, of any color, is not within the provisions of this Government, here or elsewhere.

Mr. BROWN. If my colleague will allow me, just at that point I ask him whether he considers the support of a lunatic asylum an eleemosynary purpose? There is one in the District sustained by the Government. Whether the support of a blind asylum is an eleemosynary purpose? There is one here, sus-

tained, in part at least, by the Government.

Mr. DAVIS. Indulging gentlemen with these needless interruptions, the legislation in relation to the lunatic asylum must show to the chairman of the Committee on the District of Columbia what it was for. It was not only for the insane of the District of Columbia, but for the Army and Navy—persons in the employment of the Government; and the answer to that is like that to the Senator from Iowa. [Mr. Brown rose.] If my colleague wants to speak now, I will stop.

Mr. BROWN. I have no anxiety to speak; but I will say this: if it will save this bill from criticism, we will take in

the children of the Army and Navy.

Mr. DAVIS. It will not save the bill from criticism. I say, though, that when I have the floor, I desire to finish a sentence without being interrupted.

Mr. BROWN. I did not interrupt my colleague until he

intimated his desire to give way.

Mr. DAVIS. Exactly; I had given way once; and to ask me to do it another time, before I had completed a sentence, was rather over much.

Mr. BROWN. Very well; go on.

Mr. DAVIS. I intend to criticise the bill. It is my right. The errors are fundamental on which the bill rests; and these errors have been developed by the alliance which it has brought from the other side, developing, as a consequence of the very proposition, this controversy as to the rights of the whites, and the equality of the negroes. I do not choose to argue with any

one who thinks proper to assert the equality of the negro and the white man. The man who makes the assertion may prove to me his equality with the negro. He proves to me no more; and I accept his argument only for so much.

But the Senator from Iowa insists that there is injustice marking the legislation of States, who in the exercise of their sovereign power have thought proper to discriminate between the races. When Alfonso, misnamed the Wise, announced that if the Deity had consulted him upon the creation of the globe, he could have saved Him from a great many errors, he but committed such an offense as the Senator from Iowa does when he thus arraigns the inequality of the white and black races—stamped from the beginning, marked in decree and prophecy—the will of God which the puny efforts of man have in vain attempted to subvert—confirmed by history through all its successive stages, until we reach the remote period where it is only to be drawn from the pictorial monuments of the people who then existed.

When Cain, for the commission of the first great crime, was driven from the face of Adam, no longer the fit associate of those who were created to exercise dominion over the earth, he found in the land of Nod those to whom his crime had degraded him to an equality; and when the low and vulgar son of Noah, who laughed at his father's exposure, sunk by debasing himself and his lineage by a connection with an inferior race of men, he doomed his descendants to perpetual slavery. Noah spoke the decree, or prophecy, as gentlemen may choose to consider it, one or the other.

In this District of Columbia you have but to go to the jail and find there, by those who fill it, the result of relieving the negro from that control which keeps him in his own healthy and useful condition. It is idle to assume that it is the want of education: it is the natural inferiority of the race; and the same proof exists wherever that race has been left the master of itself—sinking into barbarism or into the commission of crime, as it happens to be isolated or in contact with those upon whom it could prey for subsistence.

Why, then, this attempt in the District of Columbia to overturn the laws of nature, as declared by all the knowledge which we possess, revealed and historical? Why this attempt to introduce the ideas of philanthropy—which communities have the right to inculcate and entertain, if they please—and to plant them upon the seat of Government, where the representatives of the States assemble, and have a right to expect that the in-

stitutions of the people whom they represent are not here to be violated and insulted? It is but one of the many evidences, which daily events bring to us, of the hastening of that period when our brethren shall no longer stand united as the descendants of one ancestry, and the maintainers of one Government. Can it be expected, sir, that we, the representatives of sovereign States, will agree here, at the seat of Government, to assemble and hear the question argued as to the equality of the races, and whether children are to be put upon the same footing; to see a policy instituted, violative of every principle of the Constitution of the United States and the history of its foundation, which confounds the difference between the races, and makes ours an institution which shall be mongrel white and negro? From what race of these States have the men descended who make this argument? Not from the old Puritan blood, which asserted its supremacy both against the negro and the Indian; asserted its supremacy under Catholics, nor the severest trials to which colonists were ever subjected; not the cavaliers, nor the Quakers, nor the younger sons of noble families, who peopled different colonies; for in all of them they asserted their supremacy as a race, and only permitted emancipation within their limits when the negro slave had ceased, to them, to be profitable. This pseudo philanthropy is an excrescence upon the American mind, sprung from a foreign germ, inoculated here to the destruction of the healthy growth of our political tree.

Even in those States which the Senators represent, who have been most active in this enterprise, the negro is excluded from admission into a portion of them, and his equality is recognized nowhere. In the law, sometimes, it has been attempted to declare their equality; but in fact, socially, and as a practical question, I say it is done nowhere. In some States—not. as has been represented, those which hold slaves, but those where slaves are not held, the people, in their own wisdom. have found that this free negro population would be an injury to them, and they resolved that they would not allow it to come among them. In the State of Massachusetts, which, in its legislation, has led upon this question, outside of the cities you will scarcely ever find a negro; and save here and there, where some man has been led away by a sickly sentimentality, you will find no white man worthy of the name who is willing to admit the equality of the negro race. About the cities, from the inferiority of their nature, and the dependence which belongs to their inferiority, they congregate under the lead of the white man, following his beek and will, whether they be declared free by law or not.

Do gentlemen need more to convince them of the distinction between the races? Do they hope, offending against all the teachings of history; against the marks of God; in violation of the Constitution; and by trampling upon the feelings of the southern representatives here, to found in the District of Columbia an experimental establishment to disprove the inequality of the races? If not, why the amendment of the Senator from New Hampshire? Why does he assume to put negro children in a condition which claims from us legislation and instruction? I am not answered by saying they may go to different schools. What right have you to take charge of that race at all? Where do you get your authority? The Government was not made for them. They were not represented in the formation of the Government save as property, now holding that joint relation of persons and property which establishes a three-fifths representation for the southern States.

Mr. BAYARD. Mr. President, I have not taken part in this debate; nor do I mean now to enter into many of the questions that may be discussed; but I look on the amendments which have been offered to the bill as objectionable; and I wish to state my objections as briefly as I can. The object and general scope of the bill, without reference to its particular sections, is to provide for the education of the white race in the District of Columbia, within which the Congress of the United States, under the Constitution, has the power to do so. There are interposed two amendments: one of which on its face purports to place the black race on an equality with the white race; and the other, though not so expressed, as I read it, can be only intended for that purpose, but to a more limited degree. I only wish to express my own opinion, that if gentlemen residing in the States in which the negro race do not exist in large relative numbers to the white race, choose within their own States to place the negro and the white man on an equality, (whether it be in their public schools, or in their militia, or in all the avocations of life,) with that Congress has nothing to do; with that the citizens of those States in which that race exists in large relative numbers have nothing to do, and of it they have no right to complain. But, sir, I say to gentlemen on the other sidewhat is the certain conviction of my own mind, what I announced to the Senate, I think, in substance, during the discussion on the Kansas-Nebraska bill—that whenever in this country a majority of the people of a majority of the States

shall, by Federal legislation, attempt throughout the Union, or in any part of the Union, to place the black and the white

race on an equality, this Union is gone.

Mr. DAVIS. The Senator objects to the argument which treats of the proposition of himself and his friends, as the assertion of equality between the white and negro races. Do I understand him as denying the equality, or does he admit the equality?

Mr. WILSON. Does the Senator want an answer now?

Mr. DAVIS. Yes.

Mr. WILSON. The natural equality of all men I believe in, as far as rights are concerned. So far as mental or physical equality is concerned, I believe the African race inferior to the white race.

Mr. DAVIS. "Natural equality" would imply that God had created them equal, and had left them equal, down to the

present time. Is that what the Senator means?

Mr. WILSON. I mean this, Mr. President: I believe in the equality of rights of all mankind. I do not believe in the equality of the African race with the white race, mentally or physically, and I do not think morally. I do not believe in the equality of the Indian race with us; but upon the question simply of equality of rights, I believe in the equality of all men of every race, blood, and kindred.

Mr. DAVIS. When the Senator says "equality of rights of all men," does he mean political and social rights—political and social equality? because what "rights" mean is a thing to be determined afterwards. All men have a right to just so much as belongs to them, so much as been conceded to them by the Creator or by the political institutions of the country. I wish to know whether, when he denies the equality between the races, or objects to the argument which imputes the theory of equality of the races, he means political and social equality?

Mr. WILSON. I believe that every human being has the right to his life and to his liberty, and to act in this world so as to secure his own happiness. I believe, in a word, in the Declaration of Independence; but I do not, as I have said, believe in the mental or moral or physical equality of some of the races, as against this white race of ours.

Mr. DAVIS. Then the Senator believes and he does not believe, and he changes his position so rapidly in giving his answers that it is impossible to tell what he does believe. He believes in the Declaration of Independence, and intimates that

he means by that all men are equal; but he immediately announces that there is a difference between the two races.

Mr. WILSON. Well, Mr. President, I believe there are a great many men in the world of the white race inferior to the Senator from Mississippi, and I suppose there are quite a number superior to him; but I believe that he and the inferior man and the superior have equal natural rights.

Mr. DAVIS. I suppose the Senator knows what he means. I take it for granted he does; but it is impossible for anybody to get it from his language. I put to him the plain question: whether there was equality of races under the political institutions of the United States; whether there was political and social equality?

Mr. HARLAN. Will the Senator allow me to ask him a

question?

Mr. DAVIS. Oh. ves.

Mr. HARLAN. Do you then believe in the political and social equality of all individuals of the white race?

Mr. DAVIS. I will answer you, yes; the exact political equality of all white men who are citizens of the United States. That equality may be lost by the commission of crime; but white men, the descendants of the Adamic race, under our institutions, are born equal; and that is the effect of the Declaration of Independence.

Mr. HARLAN. If the Senator will allow me, being "born equal" is a phrase that involves the proposition that the Senator from Massachusetts has stated. I inquired as to their social

and their political equality.

Mr. DAVIS. Their political equality, I stated, exists, unless it is lost by the commission of crime, or some disqualification which attaches to the individual, not to the race. Their social equality will depend upon a great variety of circumstances, being the result of education and many other contingencies. Those are conventional, not political, rights. They do not belong to the institutions of the country. They may be matters of taste. Every man has a right to select his own associates; and he may assert his superiority, and the person he excludes may regard him as an inferior. All that has nothing to do with anything which we have a right to consider. This is not a debating society. We are not here to deal in general theories and mere speculative philosophy, but to treat subjects as political questions. The Senator, therefore, has asked me a question which does not belong to the occasion or the place.

But the Senator from Massachusetts, in his bold words, an-

nounces that he will speak of this, which I could not get him to define, whenever he pleases, and that we must listen to him as long as he chooses to speak upon it. Now, sir, as long as Massachusetts chooses to assign the Senator a seat here, he has a right to speak. If Massachusetts confers upon him the right to speak, he should be careful that he speaks as becomes the place and the position which he holds. When Balaam's ass talked as a rational being, the miraculous event became matter of record; but rational beings have brayed like asses many a time since Balaam's ass spoke, and no one took note of it.

In all the relations of life a gentleman owes it to himself to avoid giving offense, unless he has first made up his mind that he is responsible for it. We do not meet here for the purpose of personal conflict, no more than for the other purposes concerning which I answered the Senator from Iowa. Why should propositions be introduced which it is known are offensive, and bold words spoken about the right to talk, and the obligation of people to hear? A gentleman has no right to give an insult unless he feels himself bound to answer for it. There is no man with true respect for himself who will ever give offense, unless he is willing to answer for it. I can feel but little respect for that character of conscience which permits a man to give offense but does not permit redress.

Mr. COLLAMER. I wish to ask the gentleman one question, if he will permit me.

Mr. DAVIS. Certainly.

redress.

Mr. COLLAMER. It is in relation to his last proposition; and the question is this: whether he really holds that a gentleman has a right to insult another if he will answer for it?

Mr. DAVIS. I will say to the Senator he has no right.

Mr. COLLAMER. I understood the gentleman to say so. Mr. DAVIS. I waive the words; and now say, but if he does commit an offense against the feelings of a gentleman, he then redeems, as far as may be, that offense by giving him

Mr. COLLAMER. I understand the gentleman aright; but he qualifies it somewhat. I take it the Senator does not really mean to be understood as saying that a gentleman has a right to insult another anywhere, not even if he will answer for it.

Mr. DAVIS. Certainly the right to aggress does not exist. I believe I have answered the question: that one redeems that breach of another's rights by giving him redress.

Mr. COLLAMER. That is to say, if a gentleman intention-

ally insults me, I am to invite him out that he may shoot me, and that is called satisfaction.

Mr. DAVIS. It may be.

Mr. COLLAMER. That is logic I do not comprehend.

Mr. DAVIS. That may be. I put to the Senator a question.

Mr. COLLAMER. I did not hear it.

Mr. DAVIS. I say I will put it. Do you feel you can use offensive language to another, and then plead your conscience in bar of giving him redress?

Mr. COLLAMER. I desire to answer that question, because the gentleman and I will hardly misunderstand each other, and hardly hold different sentiments about it. I answer that I understand no gentleman has a right to insult another at all.

Mr. DAVIS. Grant it.

Mr. COLLAMER. And he is no gentleman if he does. [Laughter.]

Mr. DAVIS. That is going a little too far, because men of hot temper sometimes do. I would not write the gentleman a blackguard on account of a hot temper, and I know he is a man of impatient temper.

Mr. COLLAMER. That may be true. I do not call that statement an offense, because there is too much truth in it. My understanding about this subject is this: I regard an intentional insult as no act of a gentleman. I think we shall hardly disagree in that.

Mr. DAVIS. No; if it is deliberate and wanton.

Mr. COLLAMER. That is what I mean. Now, a man may commit an offense of that character in haste and inconsiderately. Such a man should immediately, whenever coolness and reflection come to him, give satisfaction by an apology. That is what a gentleman will do—not satisfaction by persisting in it intentionally, but satisfaction by apology, and as publicly as the offense was made, if it is asked. That is the way I understand it.

Mr. DAVIS. And then, if he makes an apology, if it is cordial, he takes care not to do the same thing again; so that he does not come into the Senate and use defiant language, and in defiant tone, either that he shall make an apology or refuse redress.

Mr. COLLAMER. Mr. President, I was not in when, I suppose, that to which the gentleman alludes may have taken place. I simply took up the statement I understood him to

make, to which I have alluded. I know nothing about the transaction to which the gentleman alludes.

Mr. DAVIS. I have no doubt the Senator and myself generally concur in the view which he presents. I certainly would not hold any man justifiable in wantonly wounding the feelings of another.

Mr. DURKEE. I should like to ask a question of the Senator from Mississippi, and it is a practical question: whether he is opposed to the colored people of the District educating themselves?

Mr. DAVIS. I did not hear the question.

Mr. DURKEE. Are you opposed to leaving the colored population to educate themselves by law?

Mr. DAVIS. Oh, no. I have no objection to their having

any education of which they are susceptible.

Mr. DURKEE, That is a practical question bef

Mr. DURKEE. That is a practical question before the Senate, and I thought I would ask the Senator.

Mr. DAVIS. My remarks were first directed to a constitutional point; to a point of political power. I denied the right of Congress to take money from the Treasury and distribute it to the schools of the District.

Mr. COLLAMER. I wish to ask the gentleman a question: whether he thinks it is in the power of Congress to take money

from the Treasury for the education of any children?

Mr. DAVIS. That was the proposition I was going on to state—that I denied generally the power of Congress to take money from the Treasury for the benefit of the schools in the District of Columbia. Then I denied the fitness, the propriety, the decency, and the fraternity, of attempting to put negro children and the white upon the same level, and to tax us to educate the negro children of this District; that one was a social offense, while the other was an offense against political law. I met the two questions, as founded upon fundamental error: the first, in attempting to put the races upon an equality, and the other, in attempting to use the powers of this Government for eleemosynary purposes, either in the District or out of it. My objections were general. They went to the whole proposition. I was not sustaining the bill, and warring upon the amendment of the Senator from New Hampshire; but I considered them both objectionable, but for different reasons, and so stated when first on the floor of the Senate.

But, Mr. President, these objections to what I considered an offense against the law of nature, and against the Constitution of the United States, are made the basis of high-sounding decla-

rations about the right of individuals and the obligations of humanity. I doubt not the Senator from Massachusetts could, much nearer home than the District of Columbia, find objects for his humanity. If the newspapers have spoken truly of the long processions of men, of women, and of children suffering for want of bread, and deprived of labor by which to obtain it, he might in the village of his own residence find objects more meet to receive, and having higher claims upon his humanity than the negro children of the District of Columbia.

But this is a cheap humanity, which finds in the Treasury of the United States the source upon which to draw for its gratification; and that is a cheap philosophy, too, which announces "do unto others as you would others should do unto you." and makes the application of it in violation of those rights of others which it is the duty of every man, as a social being, as well as a member of the political community, to respect. I know that wise maxim, that rule upon which is founded nearly the whole theory of the obligation of man to man, has been tortured into a justification of theft-stealing people's negroes, on the ground that you should do unto the negroes as you would the negroes should do unto you: but I do not believe a negro would steal him. It would be a bad bargain if he did. These maxims, universal in their application, are tortured from their true meaning to justify outrage, not only upon constitutional right, but upon moral obligations.

If Senators had thought proper to confine their operations. in educating negro children, to their own section, I know of no one who has ever objected to it; I know of no one who has ever expressed any fear about it. I know of no authority by which the Senator speaks of the fear of southern men if the negroes are taught to read. The Senator from Virginia has well said that there are conditions of society in which it became improper for them to read, and that those are questions of which each community may judge; but that condition results in no small degree from the corrupt tendency, the vicious purposes of those who are ever intermeddling with the affairs of their neighbors. If there were no incendiary publications to be put into the hands of the negroes; if they came truly, as they now fictitiously attempt to present the question in the United States Senate, with the Word of God in their hands, and had come with that only, there never could have been any objection to educating the negro children.

The Senator from Virginia has no doubt seen often, as well in the family circle as in the parish church, a class of negroes taught the great truths of the Bible; taught prayers orally. The man must be wanting in common sense who does not perceive that the owner of slaves will desire them to understand the great maxims of rectitude which that holy book contains. It is his interest, if he had no higher motive to prompt him. It is a book not sealed against them. Many of them read it, and very imperfectly; and comprehend it scarcely at all when they do read it. They learn it best when explained to them by those who are able to comprehend and to communicate its meaning. Senators will not be surprised at this, for it is true of ignorant people everywhere that they pore over the Bible and spell it out, and comprehend but little of its meaning; but there is no apprehension of negroes who thus spell out the Bible being rendered worse to the master, and I know of no one who has any fear of their reading the holy truths of that sacred book.

But, sir, when men employ their time in writing tracts, in publishing newspapers, to indoctrinate crime into the negroesto teach them to commit arson and theft and murder—then there is a reason growing out of the crimes of our neighbors which imposes it upon us, as a duty of self-protection, to prevent the negroes from reading, as the means of shutting out your unholy work. That is the fact, as it presents itself; and that, I imagine, is the foundation of all the objection which has existed to their being taught to read. Nor is the objection as general as the Senator supposes. Even the legislation to which he refers, in a few States where it exists, has never been carried to the point of forbidding them to read; but I tell the Senator what, perhaps, he does not know, that he will scarcely find a plantation on which he will not find many negroes who can read, and who can write a little, too. We would not allow any visionary person to come there and establish a school to teach the negroes, because we should suspect the motive of such an individual. We should expect to find his trunks packed with those seditious publications, the purpose of which is to incite an ignorant population to the commission of crime.

My colleague has remarked, in relation to this bill, what seems to be true of every question which is presented to the Senate: that its purpose, plain as it is, cannot be executed because Senators insist upon mingling with every proposition the discussion of the negro question. If this Government had been instituted by the negro instead of the white man, the subject of the negro race could not be a more interminable one of discussion. I have heard no question yet discussed as a great political and constitutional question during the present session

of the Senate, but in every instance, sooner or later, and generally by a single bound, they plunge into the question of that species of property which is held in the southern States. Do we expect, Senators, to maintain the Government which we have sworn to support, in this manner? Do we expect to legislate for the general welfare? Do we expect to transmit to posterity the rich inheritance we received by a course like this? Do we hope from old legislation to eliminate what is wrong? Do we hope from passing events to determine what is required in the future? It cannot be done when every controversy is one of a personal character, and every argument is one leveled at the interests of a section, and not at the welfare of the people of the United States.

I should not have voted for the bill if the amendment had not been offered, and for the reasons which I have stated. Nor do I believe, to come down to the question as one of practice, that the indigent white children of this District, those who most need free instruction, are within the limits of the cities of Washington and Georgetown. They are outside of them. The dark circle is one that surrounds these corporations which are to have the benefit of your grant of land and of money. If the power claimed by the proposed legislation had been delegated; if it were constitutional, it would be a question of expediency which gentlemen have thought proper to torture into one of sectional controversy.

Remarks of Jefferson Davis on resolution concerning contracts made by the Secretary of War. April 18, 1860.

Mr. WILSON. I move to take up for consideration now a resolution submitted by me, in regard to contracts made by the Secretary of War, which has been laid over for some time.

Mr. DAVIS. A resolution of inquiry in the usual form is one to which I surely should not object; but I think all that the Senator desires may readily be obtained by addressing an inquiry to the War Department, to state what contracts have been made, at what prices, and for what purposes, and in any terms the Senator may choose to express the desire for knowledge. I can imagine no reason for instituting the Committee on Military Affairs a committee of investigation, to send for persons and papers, unless it be to inquire for something which is not on the files of the Department; and as no contract can exist which is not on the files of the Department, the inquiry

seems to me needless, burdening the committee with a personal examination into that which must be matter of record. So far as contracts have been made which are the subject of criticism, I have no objection at all that an inquiry should be made, and that the committee should be ordered to investigate anything which has been done; but the records must furnish all the information which the committee can require for any

investigation of a contract made by the Department.

Mr. WILSON. I made this proposition in this form because I desire the facts of the case to be clearly and distinctly presented to the Senate and the country. A proposition was made by the Senator from Florida, [Mr. YULEE,] I think, to amend this resolution, by calling for information from the Department. My objection to that is, that I do not think the information which will come from the Department will present precisely and exactly what I desire to be presented. Besides, I hold in my hand a report, called for on the 11th day of June, 1858, in regard to certain contracts, which was not made to the Senate until the 25th day of January, 1860--nineteen months after the information was called for; and I have the best reason for stating that this answer finally came from the Department on the pressure of Senators, who made personal application for it. The resolution making that call was introduced by the Senator from New York, not now in his seat, [Mr. Seward,] and it called for information in regard to a contract made by a Dr. Robinson here. The answer was not sent in for many months; time passed on; the work went on; and I find in this volume that there has been a dispute about the amount to be paid, and that the Secretary of War ordered \$2,700 to be paid to the contractor that the superintendent of the building did not think belonged to him by the terms of the contract, and which ought not to have been given to him.

I am aware that, if we will call upon the Secretary of War, he will furnish us with the terms of the contracts that may have been made; but I want other information than what may be found in that Department; I want such information as Captain Franklin, Captain Meigs, Mr. Latham, and Mr. Reed, of New York, and other gentlemen can furnish. If, however, Senators desire to vote down my proposition, by adopting the amendment, I shall submit to it, of course; but I shall ask for the yeas and nays on the adoption of the amendment.

Mr. DAVIS. If the persons to whom the Senator refers are all those from whom he desires information, they have, with one exception, held official positions, and their acts must be matter of record. He mentions Mr. Reed, of whom I know nothing, and his acts, I suppose, are not matters of record; but all the transactions of Captain Franklin, or Captain Meigs, or Captain Wright, must be matters of record; and when the committee calls for information, their correspondence, their acts. are equally within the reach of the committee as anything which is on the files of the War Department proper. If, however, in the course of the investigation—if it should be referred to the committee of which I am a member and chairman-it should become necessary to call for persons to elucidate anything, I would not shrink from the task of that manner of investigation, though it is laborious and tedious, and when unnecessary, I think should never be adopted. The records of the engineer bureau, and of the office of the superintendent of the Capitol extension, must furnish all the information which the Senator can desire and which would have any weight.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The question is on proceeding to the consideration of the resolu-

tion indicated by the Senator from Massachusetts.

Mr. WILSON. I do not wish to detain the Senate by any further statement in regard to this matter. I know, sir, that when the resolution was introduced, it created quite a sensation in certain quarters, and strong appeals have been made to Senators to change its direction from an investigation to a simple call for papers; and appeals have been made to me, and political friends in and out of Congress sent to me, to induce me to propose such a change. I believe that if the resolution is amended, and made a simple call for information, whenever we get the answer, it will not present the case as the truth requires that it should be presented. However, sir, I must submit to the will of the Senate; and I am willing that the vote shall be taken without further debate.

Mr. DAVIS. I have only to say that, if the Senator has been the subject of appeal or application on this matter, he stands in a different relation to it from myself. I know nothing of it, except the fact of his having introduced the resolution, and of the Senator who usually sits before me, and is not now in his seat, [Mr. Yulee,] having offered an amendment. Who has gone on the other side of the Chamber to stop an investigation? The Senator may know; I do not.

Mr. WILSON. I admit that.

Mr. DAVIS. Nobody has been to me, and I imagine to none of those who sit about me; and I trust there is no one on this side of the Chamber who shrinks from any investiga-

tion for the development of anything that is true. At the same time, we do not choose to charge the committees with mere investigations for party purposes, and the bringing of witnesses here in order that we may make large volumes of testimony concerning that which we have condensed on the records of

the Department.

That is my whole objection to such an investigation; but if the records of the Department conceal anything, then the inquiry becomes one of far graver importance. If the head of any Department should attempt to deceive the Congress by presenting here a partial statement of a case, by attempting to conceal what his official act has done, then it acquires the dignity which shall induce the Senate to institute a strict investigation; and it would be ground for impeachment in the other end of the Capitol. I think we had better have the amendment read.

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Mr. DAVIS. I merely wish to answer, in a sentence, the Senator from Maine. The organization of the War Department, and most of the other Departments of the Government, is so complete that it would be impossible for the Secretary to conceal, if it were his purpose to conceal, a transaction which ran through several bureaus of his Department. Each bureau keeps its own record. Each bureau keeps its own letter-box. In the public document which has been read from by the Senator from Massachusetts here, the superintendent of the Capitol extension, in the case to which he refers, objected to the action of the Secretary. The Secretary, therefore, has no more power to present one side of the case than if he were not to-day at the head of the Department. The records of that bureau present the other side of the case; present the objections and the facts. all condensed, in the correspondence between the bureau and the head of the Department. If it were found in the course of the investigation that nothing could be obtained in this manner, the authority now exists, without constituting the committee a special committee of investigation, to send for any person and to ask him for any evidence which the committee may deem proper to ask. This is a proposition to constitute the committee a committee of investigation, to call in witnesses from all quarters, to bring men here disappointed in relation to contracts, failing to get contracts, and coming with embittered feelings to give here a volume of testimony which, at

last, amounts to very little more than their own statements. It is that to which I object. The proposition, therefore, to send for persons and papers, and constitute the committee for this special case a committee of investigation, runs into an evil, as I think; and unless there be a positive necessity for it, is a measure which should never be adopted.

Mr. FESSENDEN. Mr. President, the Senator goes altogether upon a different line from the Senator from Massachusetts. One goes upon the assumption and the belief that there is something to inquire into; that there has been something wrong, and that that wrong can be proved and can be shown; and he puts upon the table a resolution calculated to effect that purpose. The Senator from Mississippi—

Mr. DAVIS. It can be shown by the record, because the

document he reads from is part of the record.

Mr. FESSENDEN. The Senator from Mississippi, on the other hand, goes upon the assumption that everything is in black and white about this matter; that there is really no wrong, and that all this has been imputed by outsiders who may be disappointed in getting contracts, and will result in nothing.

Mr. DAVIS. I did not say so.

Mr. FESSENDEN. I certainly understood the Senator to intimate as much; that it would amount to nothing, coming from disappointed men, who did not get their price, or because contracts had not been made to their satisfaction.

Mr. DAVIS. I must have been very unfortunate in my expression, if the Senator so understood me.

Mr. FESSENDEN. I certainly did. There is no doubt about that.

Mr. DAVIS. What I did say was, that this sending for persons or witnesses outside of the Department might assemble those who came with embittered feelings of disappointment to make up a record of such statements; and that the facts, as they belonged to the transaction, I supposed, were matters of record.

Mr. FESSENDEN. And it might result in getting persons here who did know something, who were not merely disappointed, and something would be shown. There is the difference between the two Senators. One supposes one thing, and the other another. Now, sir, I confess that my mind has been very seriously affected by these rumors with reference to the War Department. The Senator supposes that it is impossible to keep

anything back. It might be impossible for him to do it if he was at the head of the Department, but I do not understand that it is impossible for another individual at the head of the Department; who has everybody under his control, to say both what shall come at a particular time, and when it shall come. I think there have been more remarkable breaches of duty than that in the Department, or quite as much so at different times.

I merely rose to point out the distinction between the two propositions; that one was calculated to accomplish one object, which the Senator from Massachusetts thought desirable; and the other is not calculated to accomplish so much, in my judgment. They go upon a different line. For my part, I am satisfied, and better satisfied than the Senator from Mississippi appears to be, that we should make an inquiry about it, and that there is something to inquire about.

Mr. DAVIS. I have not denied that there may be something to inquire about. I do not pretend to prejudge that question. I should be unfit to examine it if I did prejudge it. I do not say whether there is something, or whether there is nothing to be examined. I say, whatever there is, the committee can comprehend from the records of the Department. To what does it refer, sir? To contracts. Can there be a contract which is not matter of record? Have there been bids not recorded? Have there been orders to make contracts without bids, and that still not to be a matter of record? I cannot imagine such a case. The order must have been sent by the superintendent in charge of the work; and if he has made contracts without the previous advertisements required in the usual course, and in fact required by law, I cannot imagine that we will not get all that information by calling on the superintendent to give us the record of his office.

It is not an investigation into the motives of men. It is not an investigation into what the Secretary might want to do, or what the Secretary may hereafter desire to do. It is an investigation into contracts made, and whether they have been made in conformity with the usages and laws of the land, and whether those usages and laws have been violated in a special instance. The Senator from Maine seems to be proceeding on the theory that there is something which does not in fact exist on the record of the Department. If the contract exists we get it by calling for it. If that contract has been made by a departure from the laws and usages of the land, the fact appears in the order

which is directed to the office if it should be violated; otherwise, in the failure of the officer to comply with the terms of the law. He must show the advertisement: show the bids received; that he has accepted the lowest responsible bid, or that he has not offered it to public competition at all. All this is matter of record.

I desire to conceal nothing; and if Senators will charge some other committee with the investigation, I have no objection to send for persons and papers. As to the Secretary of War, I doubt not, in the consciousness of his own rectitude, he would prefer, since the matter has been proposed at all, that witnesses should be assembled and all the testimony taken. I should not have confidence in a man at the head of a Department who would not urge upon his friends to give him an investigation by persons and papers, if any one had made the motion. Still, I do not wish the Committee on Military Affairs to be charged with it. I do not feel able to perform the duty. I shrink from the performance of what I believe to be an unnecessary task; but, as I said before, if, in the course of the development, it should be found to be needful, useful, and proper, for the public good, then I am willing to do it. As at present advised, I can see no useful purpose to be effected by it.

The PRESIDING OFFICER. The hour for the consideration of the special order having arrived, it becomes the duty of the Chair to announce, as the first business in order, the home-

stead bill.

H. M. Salomon to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Washington 27 April 1860.

Hon1. Col Davis Dear Sir

The Reporters for some of the journals which give an account of the Convention are connecting your exalted and truly patriotic name as a candidate for the Presidency with that of a man who was indighted by a grand jury of twenty four New York respectable citizens on their oaths of being guilty of Seventeen distinct Charges of cheatery and Frauds 1

¹ Fernando Wood.

This man became Mayor lately in New York by a minority vote, of many thousands less than half of the votes given against him and those who voted for him was that portion of the City known as the Rowdy and lawless and penitentiary convicts and men who expected official patronage from him and whose chance was hopeless, if either of the two other & honest men had been elected.

The same adherents not long since joined his name with Gov^r. Wise, this has injured the Latter. Now, those whom he has *interested* are trying a new Project; first adding his name to that of Houston, whose chance for the office is about as good as our old tom cat

And then putting it under that of yours a name which I have spoken of for the last two years as the most competent at this interesting crisis in our political history and one who if he could be elected would be an honor to our country and to all of our countrymen both here and abroad—

I would not know that "Wood" if I were to tumble over him on our Streets.

That he is justly appreciated by our honest citizens in cities where his outlaws cannot operate has been made evident to our citizens in foreign parts in an election lately held in the City of Albany—A Ticket was published naming a candidate for Mayor, a person of his selection. He was called the "Woods' Candidate" for the City of Albany.—When the Polls were examined, behold Woods friends had about 200. votes, and the Democratic other candidate opposed to Woods' faction had about 1100 votes!!

I give you these facts to shew you in my humble opinion that it would not be improper for you to transmit a telegraph immediately to Charleston disavowing your agency or approval of putting \mathbf{M}^r Woods name in connection with yours for such an Exalted position in the United States

I have been able to be a looker on for the past Sixty years, at the New York elections but I never saw until the last few years a set of such abominable characters as seem to get occasionally uppermost in that city

Very Respe[e]tfully &c &c

H. M Salomon
450 Pennsylva Avenue
at M^r. Stewarts—

[Indorsed: H. M. Salomon]

Joseph Francis 1 to Jefferson Davis.

(From Mississippi Department of Archives and History.)

Washington May 4th (1860?)

Hon¹ Jefferson Davis Sir.

After leaving you a circumstance transpired making it necessary for me to ask aid from some source—or remain in Washington a day or two longer, by doing which I should lose my passage to Europe.

I sincerely regret troubling especially in your affliction and after experiencing so much kindness from you heretofore; but

I venture to throw myself on your indulgence-

I believe I mentioned that I intended to procede direct to St. Petersburg & I called on his Excellency M. de Stoeckl the Russian Minister to avail myself of his profered aid, and the facilities he was anxious to afford that I might in person bring my inventions before his Government.

The Minister manifests the deepest anxiety not only for me to go there but to do so in such a manner as will insure me a personal interview with the Emperor, and his favour. Notwithstanding a letter in my behalf from Mr Buchanan, given me while minister in England and letters just now received from the Secretaries of War & the Treasury—Honl. John A. Dix—Honl. G. M. Dallas—Judge Mason—Mr Guthrie & others, all endorsing my character most fully, yet the Russian Minister thinks a few lines from Mr. Buchanan as President is indispensable and so anxious is he that he proposes speaking to the Secretary of the President himself—

I have in person handed the President a letter from Genl. Dix & not being able to obtain a few moments of his valuable

¹Francis, Joseph (1801-1893), an inventor, was born in Boston, Mass., March 12, 1801. He was prizewinner for a fast life-boat at Mechanics Institute Fair held in Boston in 1819. He removed to New York City and completed a boat with cork bow and stem and air chambers at side in 1825. He subsequently invented life-boats, life cars and surf life-boats of iron. His inventions were used in constructing lifesaving apparatus, steamships, floating docks, harbor buoys, pontoon bridges and wagons from corrugated sheet metal throughout civilized nations, and he received medals and diplomas from life-saving societies of France, England, and Imperial Royal European Society. He was recognized with honor by Congress in 1877 and presented with a special gold medal April 12, 1890. He died at Cooperstown, N. Y., May 10, 1893. Consult J. L. Pond, History of Life-Saving Appliances . . . invented and manufactured by Joseph Francis, 127 pp., New York, 1885.

time, I wrote to him asking the favour, but have not as yet

to the disappointment of Mr Stoeckl received a reply.

He desires this that he may himself forward it to the Minister of Foreign Affairs at St. Petersburg & which done will insure me the same favourable reception accorded to me by the Emperor of France & the Government of England.

My request then is to ask if it would be agreeable to you, and consistent with propriety to make the urgency of my request known to Mr. Buchanan and I doubt not he would at once

respond to it.

Major Henry C. Wayne will forward any communication to

Trusting you will pardon me this intrusion—and that your anxiety for your health will soon be releived

I remain
Sir
Most Respectfully
Your Obdt. Servt.
JOSEPH FRANCIS.

Speech of Jefferson Davis on the resolutions concerning the relations of the states. May 8, 1860.

The PRESIDING OFFICER, (Mr. Foot in the chair.) If there be no further petitions or reports from committees, the hour for the consideration of the special order being near, the Chair will take it to be the sense of the Senate to proceed to the consideration of that order at the present time.

The following resolutions are now before the Senate as the special order of the day, on which the Senator from Mississippi

[Mr. Davis] is entitled to the floor:

1. Resolved, That, in the adoption of the Federal Constitution, the States adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any intermeddling by any one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext whatever, political, moral, or religious, with a view to their disturbance or subversion, is in violation of the Constitution, insulting to the States so interfered with, endangers their domestic peace and tranquillity—objects for which the Constitution was formed—and, by necessary consequence, tends to weaken and destroy the Union itself.

2. Resolved, That negro slavery, as it exists in fifteen States of this Union, composes an important portion of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States; and that no change of opinion or feeling on the part of the non-slaveholding States of the Union, in relation to this institution, can justify them, or their citizens, in open or covert attacks thereon, with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively on entering into the constitutional compact which formed the Union, and are a manifest breach of faith, and a violation of the most solemn obligations.

3. Resolved, That the Union of these States rests on the equality of rights and privileges among its members; and that it is especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the Territories, which are the common possessions of the United States, so as to give advantages to the citizens of one State which are not equally

assured to those of every other State.

4. Resolved, That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect and unfriendly character, possess power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories, and there hold and enjoy the same while the territorial condition remains.

5. Resolved, That if experience should at any time prove that the judicial and executive authority do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the

duty of Congress to supply such deficiency.

6. Resolved, That the inhabitants of a Territory of the United States, when they rightfully form a constitution to be admitted as a State into the Union, may then, for the first time, like the people of a State when forming a new constitution, decide for themselves whether slavery, as a domestic institution, shall be maintained or prohibited within their jurisdiction; and "they shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

7. Resolved, That the provision of the Constitution for the rendition of fugitives from service or labor, without the adoption of which the Union could not have been formed, and that the laws of 1793 and 1850, which were enacted to secure its execution, and the main features of which, being similar, bear the impress of nearly seventy years of sanction by the highest judicial

authority, should be honestly and faithfully observed and maintained by all who enjoy the benefits of our compact of union; and that all acts of individuals or of State Legislatures to defeat the purpose or nullify the requirements of that provision, and the laws made in pursuance of it, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

Mr. HARLAN. With the consent of the Senator from Mississippi, I propose to offer an amendment to the second resolution of the series, by inserting at the end of it the following:

But the free discussion of the morality and expediency of slavery shall never be interfered with by the laws of any State, or of the United States; and the freedom of speech, and of the press, on this and every other subject of domestic and national policy, should be maintained inviolate in all the States.

Mr. CLINGMAN. With the permission of my friend from Mississippi, I beg leave to say that when these resolutions were formerly before the Senate, I occupied the floor; but, on a suggestion that the Senator from Mississippi was absent, I declined to speak. I hope that I may have an opportunity of making a short explanation of my opinions at some early day; possibly when the Senator is through. I have no desire, of course, to interfere with him, but shall hear him with great pleasure.

Mr. DAVIS. Mr. President, among the many blessings for which we are indebted to our ancestry, is that of transmitting to us a written Constitution; a fixed standard to which, in the progress of events, every case may be referred, and by which it may be measured. But for this, the wise men who formed our Government dared not have hoped for its perpetuity; for they saw floating down the tide of time wreck after wreck, marking the short life of every Republic which had preceded them. With this, however, to check, to restrain, and to direct their posterity, they might reasonably hope the Government they founded should last forever; that it should secure the great purposes for which it was ordained and established; that it would be the shield of their posterity equally in every part of the country, and equally in all time to time. It was this which mainly distinguished the formation of our Government from those confederacies or republies which had preceded it: and this is the best foundation for our hope to-day. The resolutions which have been read, and which I had the honor to present to the Senate, are little more than the announcement of what I hold to be the clearly-expressed declarations of the Constitution itself. To that fixed standard it is sought, at this time, when we are drifting far from the initial point, and when clouds and darkness hover over us, to bring back the Government, and to test our condition to-day by the rules which our fathers laid down for us in the beginning.

The differences which exist between different portions of the country, the rivalries and the jealousies of to-day, though differing in degree, are exactly of the nature of those which preceded the formation of the Constitution. Our fathers were aware of the different interests of the navigating and planting States. as they were then regarded. They sought to compose those difficulties, and by compensating advantages given by one to the other, to form a Government equal and just in its operation: and which, like the gentle showers of heaven, should fall twice blessed, blessing him that gives and him that receives. This beneficial action and reaction between the different interests of the country constituted the bond of union and the motive of its formation. They constitute it to-day, if we are sufficiently wise to appreciate our interests, and sufficiently faithful to observe our trust. Indeed, with the extension of territory, with the multiplication of interests, with the varieties, increasing from time to time, of the products of this great country, the bonds which bind the Union together should have increased. Rationally considered, they have increased, because the free trade which was established in the beginning has now become more valuable to the people of the United States than their trade with all the rest of the world.

I do not propose to argue questions of natural rights and inherent powers; I plant my reliance upon the Constitution; that Constitution which you have all sworn to support; that Constitution which you have solemnly pledged yourself to maintain while you hold the seat you now occupy in the Senate; to which you are bound in its spirit and in its letter, not grudgingly, but willingly, to render your obedience and support as long as you hold office under the Federal Government. When the tempter entered the garden of Eden and induced our common mother to offend against the law which God had given to her through Adam, he was the first teacher of that "higher law" which sets the will of the individual above the solemn rule which he is bound, as a part of every community, to observe. From the effect of the introduction of that teaching of the higher law in the garden of Eden, and the fall consequent upon it, came sin into the world; and from sin came death and

banishment and subjugation, as the punishments of sin; the loss of life, unfettered liberty, and perfect happiness followed from that first great law which was given by God to fallen man.

Why, then, shall we talk about natural rights? Who is to define them? Where is the judge that is to sit over the court to try natural rights? What is the era at which you will fix the date by which you will determine the breadth, the length, and the depth of those called the rights of nature? Shall it be after the fall, when the earth was covered with thorns, and man had to earn his bread in the sweat of his brow? or shall it be when there was equality between the sexes, when he lived in the garden, when all his wants were supplied, and when thorns and thistles were unknown on the face of the earth? Shall it be then? Shall it be after the flood, when, for the first sin committed after the waters retired from the face of the earth, the doom of slavery was fixed upon the mongrel descendants of Ham? If after the flood, and after that decree, how idle is all this prating about natural rights as standing above the obligations of civil government? The Constitution is the law supreme to every American. It is the plighted faith of our fathers; it is the hope of our posterity. I say, then, I come not to argue questions outside of or above the Constitution, but to plead the cause of right of law and order under the Constitution, and to plead it to those who have sworn to abide by that obligation.

One of the fruitful sources, as I hold it, of the errors which prevail in our country, is the theory that this is a Government of one people; that the Government of the United States was formed by a mass. The Government of the United States is a compact between the sovereign members who formed it; and if there be one feature common to all the colonies planted upon the shores of America, it is desire for community independence. It was for this the Puritan, the Huguenot, the Catholic, the Quaker, the Protestant left the land of their nativity, and guided by the shadows thrown by the fires of European persecution, they sought and found the American refuge of civil and religious freedom. Whilst they existed as separate and distinct colonies they were not forbearing towards each other. They oppressed opposite religions. They did not come here with the enlarged idea of no established religion. The Puritans drove out the Quakers; the Church of England men drove out the Catholics. Persecution reigned through the colonies.

except, perhaps, that of the Catholic colony of Maryland; but the rule was, persecution. Therefore I say the common idea, and the only common idea, was community independence the right of each independent people to do as they pleased in their domestic affairs.

The Declaration of Independence was made by the colonies, each for itself. The recognition of their independence was not for the colonies united, but for each of the colonies which had maintained its independence; and so when the Constitution was formed, the delegates were not elected by the people en masse, but they came from each one of the States; and when the Constitution was formed, it was referred, not to the people en masse, but to the States severally, and severally by them ratified and approved. But if there be anything which enforces this idea more than another, it is the unequal dates at which it received this approval. From first to last, nearly two years and a half elapsed; and the Government went into operation something like a year. I believe more than a year, before the last ratification was made. Is it, then, contended that, by this ratification and adoption of the Constitution, the States surrendered that sovereignty which they had previously gained? Can it be that men who braved the perils of the ocean, the privations of the wilderness, who fought the war of the Revolution, in the hour of their success, when all was sunshine and peace around them, came voluntarily forward to lay down that community independence for which they had suffered so much and so long? Reason forbids it: but if reason did not furnish a sufficient answer, the action of the States themselves forbids The great State of New York-great relatively then, as she is now-manifested her wisdom in not receiving merely that implication which belongs to the occasion, which was accepted by the other States, but she required the positive assertion of that retention of her sovereignty and power over all her affairs as the condition on which she ratified the Constitution itself. I read from Elliott's Debates, page 327. Among her resolutions of ratification is the following:

"That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the people of the several States, or to their respective State governments to whom they may have granted the same."

North Carolina, with the Scotch caution, which subsequent events have so well justified, in 1788 passed this resolution:

"Resolved, That a declaration of rights, asserting and securing from encroachments the great principles of civil and religious liberty, and the inalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said Constitution of Government, ought to be laid before Congress and the convention of the States that shall or may be called for the purpose of amending the said Constitution, for their consideration, previous to the ratification of the Constitution aforesaid on the part of the State of North Carolina."

And in keeping with this, North Carolina withheld her ratification; she allowed the Government to be formed with the number of States which was required to put it in operation, and still she remained out of the Union, asserting and recognized in the independence which she had maintained against Great Britain, and which she had no idea of surrendering to any other power; and the last State which ratified the Constitution long after it had in fact gone into effect, Rhode Island, in the third of her resolutions, says:

"III. That the powers of Government may be reassumed by the people whensoever it shall become necessary to their happiness. That the rights of the States respectively to nominate and appoint all State officers, and every other power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or to the departments of Government thereof, remain to the people of the several States, or their respective State governments to whom they may have granted the same."

Here the use of the phrase "State governments" shows how utterly unwarrantable the construction has been, to say that the reference here was to the whole people of the State—to the people of all the States—and not to the people of each of the States severally.

I spoke, however, Mr. President, but a moment ago, of the difference of policies, products, population, constituting the great motive for the union. It indeed was its necessity. Had all the people been alike—had their institutions all been the same—there would have been no interest to bring them together; there would have been no cause or necessity for any restraint being imposed upon them. It was the fact that they differed

which rendered it necessary to have some law governing their intercourse. It was the fact that their products were opposite—that their pursuits were various—that rendered it the great interest of the people that they should have free trade existing among each other; that free trade which Franklin characterized as being between the States such as existed between the counties of England.

Since that era, however, a fiber then unknown in the United States, and the production of which is dependent upon the domestic institution of African slavery, has come to be cultivated in such amounts, to enter so into the wearing apparel of the world, so greatly to add to the comfort of the poor that it may be said to-day that that little fiber, cotton, wraps the commercial world and binds it to the United States in bonds to keep the peace with us which no Government dare break. It has built up the northern States. It is their great manufacturing interest to-day. It supports their shipping abroad. enables them to purchase in the market of China, when the high premium to be paid on the milled dollar would otherwise exclude them from that market. These are a part of the blessings resulting from that increase and variety of product which could not have existed if we had all been alike; which would have been lost to-day unless free trade between the United States was still preserved.

And here it strikes me as somewhat strange, that a book recently issued has received the commendation of a large number of the representatives of the manufacturing and commercial States, though, apart from its falsification of statistics and low abuse of southern States, institutions, and interests, the great feature which stands prominently out from it is the arraignment of the South for using their surplus money in buying the manufactures of the North. How a manufacturing and commercial people can be truly represented by those who would inculcate such doctrines as these, is to me passing strange. Is it vain boasting which renders you anxious to proclaim to the world that we buy our buckets, our rakes, and our shovels from you? No, there is too much good sense in the people for that; and therefore I am left at a loss to understand the motive, unless it be that deep-rooted hate which makes you blind to your own interest when that interest is weighed in the balance with the denunciation and detraction of your brethren of the South.

The great principle which lay at the foundation of this fixed standard, the Constitution of the United States, was the equality of rights between the States. This was essential; it was necessary; it was a step which had to be taken first, before any progress could be made. It was the essential requisite of the very idea of sovereignty in the State; of a compact voluntarily entered into between sovereigns; and it is that equality of right under the Constitution on which we now insist. more, when the States united they transferred their forts, their armament, their ships, and their right to maintain armies and navies to the Federal Government. It was the disarmament of the States, under the operation of a league which made the warlike operations, the powers of defense, common to them all. Then, with this equality of the States, with this disarmament of the States, if there had been nothing in the Constitution to express it. I say the protection of every constitutional right would follow as a necessary incident, and could not be denied by any one who could understand and would admit the true theory of such a Government.

We claim protection, first, because it is our right; secondly, because it is the duty of the General Government; and thirdly, because we have entered into a compact together, which deprives each State of the power of using all the means which it might employ for its own defense. This is the general theory of the right of protection. What is the exception to it? Is there an exception? If so, who made it? Does the Constitution discriminate between different kinds of property? the Constitution attempt to assimilate the institutions of the different States confederated together? Was there a single State in this Union that would have been so unfaithful to the principles which had prompted them in their colonial position, and which had prompted them at a still earlier period, to seek and try the temptations of the wilderness—is there one which would have consented to allow the Federal Government to control or to discriminate between her institutions and those of her confederate States?

But if it be contended that this is argument, and that you need authority, I will draw it from the fountain; from the spring before it had been polluted; from the debates in the formation of the Constitution; from the views of those who at least it will be admitted understood what they were doing. Mr. Randolph, it will be recollected, introduced a projet for a Government, consisting of a series of resolutions. Among them was one which proposed to give Congress the power "to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof." That was,

to give Congress the power to coerce the States; to bring the States into subjection to the Federal Government. Now, sir, let us see how that was treated; and first I will refer to one whose wisdom, as we take a retrospective view, seems to me marvelous. Not conspicuous in debate, at least not among the names which first occur when we think of that bright galaxy of patriots and statesmen, he was the man who, above all others, it seems to me, laid his finger upon every danger, and indicated the course which that danger was to take. I refer to Mr. Mason.

"Mr. Mason observed, not only that the present Confederation was deficient in not providing for coercion and punishment against delinquent States, but argued very cogently that punishment could not, in the nature of things, be executed on the States collectively; and, therefore, that such a Government was necessary as could directly operate on individuals, and would punish those only whose guilt required it."—Elliott's Debates, vol. 5, page 133.

Mr. Madison, who has been called sometimes the father of the Constitution, upon the same question, said:

"A union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound."

Mr. Hamilton, who, if I were to express a judgment by way of comparison, I would say was the master intellect of the age in which he lived; whose mind seemed to penetrate profoundly every question with which he grappled, and who seldom failed to exhaust the subject which he treated—Mr. Hamilton, in speaking of the various powers necessary to maintain a Government, came to clause four:

"4. Force, by which may be understood a coercion of laws, or coercion of arms. Congress have not the former, except in few cases. In particular States, this coercion is nearly sufficient; though he held it, in most cases, not entirely so. A certain portion of military force is absolutely necessary in large communities. Massachusetts is now feeling this necessity, and making provision for it. But how can this force be exerted on the States

collectively? It is impossible. It amounts to a war between the parties. Foreign Powers, also, will not be idle spectators. They will interpose; the confusion will increase; and a dissolution of the Union will ensue."

The consequence was, the proposition was lost. In support of this same idea of community independence, which I have suggested, the argument upon the proposition least likely to have exhibited, that to give power to restrain the slave trade shows that northern and southern men, all arguing and presenting different views, yet concurred in this, that there could be no power to restrain a State from importing what she pleased. As the Senator from Vermont [Mr. Collamer] looks somewhat surprised at my statement, I will refer to the authority. Mr. Rutledge said:

"Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is, whether the southern States shall or shall not be parties to the Union. If the northern States consult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers."

-Elliott's Debates, vol. 5, p. 457.

"Mr. PINCKNEY. South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes. If the States be all left at liberty on this subject, South Carolina may perhaps, by degrees, do of herself what is wished, as Virginia and Maryland already have done."—Ibid, p. 457.

"Mr. Sherman was for leaving the clause as it stands. He disapproved of the slave trade; yet, as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it."—

Page 457.

"Mr. Baldwin had conceived national objects alone to be before the convention; not such as, like the present, were of a local nature. Georgia was decided on this point. That State has always hitherto supposed a General Government to be the pursuit of the central States, who wished to have a vortex for everything; that her distance would preclude her from equal advantage; and that she could not prudently purchase it by yielding national powers. From this, it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives.

"If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of —, which, he said, was a respectable class of people who carried their ethics beyond the mere equality of men, extending their humanity to the claims of the whole animal creation."—Page 459.

"Mr. Gerry thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any

sanction to it."-Page 459.

"Mr. King thought the subject should be considered in a political light only. If two States will not agree to the Constitution, as stated on one side, he could affirm with equal belief, on the other, that great and equal opposition would be experienced from the other States. He remarked on the exemption of slaves from duty, whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the northern and middle States."—Page 460.

Here, as will be observed, everywhere was recognized and admitted the doctrine of community independence and State equality—no interference with the institutions of a State; no interference even prospectively save and except with their consent; and thus it followed that at one time it was proposed to except, from the power to prohibit the further introduction of Africans, those States which insisted upon retaining the power; and finally it was agreed that a date should be fixed beyond which, probably, none of them desired to retain it. These were States acting in their sovereign capacity; they possessed power to do as they pleased; and that was the view which they took of it. I ask, then, how are we, their descendants, those holding under their authority, to assume a power which they refused to admit, upon principles eternal and lying at the foundation of the Constitution itself?

If, then, there be no such distinction or discrimination; if protection be the duty (and who will deny it) with which this Government is charged, and for which the States pay taxes, because of which they surrendered their armies and their navies; if general protection be the general duty, I ask, in the name of reason and constitutional right—I ask you to point me to authority by which a discrimination is made between slave property and any other. Yet this is the question now fraught with evil to our country. It is this which has raised the hurricane threatening to sweep our political institutions before it. This is the dark spot which some already begin to fear may blot out the constellation of the Union from the political firma-

ment of mankind. Does it not become us, then, calmly to consider it, justly to weigh it; to hold it in balances from which the dust has been blown, in order that we may see where truth, right and the obligations of the Constitution require us to go?

It may be pardoned to one who, from his earliest youth up, has been connected with a particular party, who has always believed that the welfare and the safety of the country most securely rested with that party, who has seen in the triumph of Democracy the triumph of the Union, and who has believed for years past that the downfall of Democracy would be its destruction. It may be pardoned, I say, under such circumstances as these, to such a person as that, to refer even in this connection to that feature of the particular point which I am discussing, which has been brought forward by the recent action of that party. States met together to consult as brethren, to see whether they could agree as well upon the candidate as upon the creed, and it was apparent that division had entered into our ranks. After days of discussion, we saw that party convention broken. We saw the enemies of Democracy waiting to be invited to its funeral, and jestingly looking into the blank faces of those of us to whom the telegraph brought the sad intelligence. I hope this is, however, but the mist of the morning. I have faith in the Democracy, and that it still lives. have faith in the patriotism and in the good sense of the Democracy, that they will assert the truth, boldly pronounce it, meet the issue, and I trust in the good sense and patriotism of the people for their success.

In this connection, it may be permissible to review our present party condition. For a long time, two parties divided the people of the United States. The controversy was mainly upon questions of expediency; sometimes of constitutionality. divided men in all of the States. The contest was sometimes won by one, and sometimes by the other. The Whig party lives now but in history, yet it has a history of which any of its members may be proud. It bore the high, but not successful, part of stemming the tide of popular impulse, and thus failed to attain the highest power. Differing from them upon the points at issue, I offer the homage of my respect to those who, adhering to what they believed to be true, go down sooner than find success in the abandonment of principle. With the disappearance of that party, and perhaps for the very reasons that caused its disappearance, up rose radical organizations who strode so far beyond progressive Democracy, that Democracy took the place now left vacant by the old Whig party, and became the reservoir into which all conservatism was poured. Therefore it is that so many of those men, eminent in their day, eminent for their services, eminent in their history, have approved of the Democratic party in the present condition of the country as the only conservative element which remains in our polities. In the midst of this radicalism, of this revolutionary tendency, it becomes not the regret of a partisan merely; it is the sadness of an American citizen that the party on which the conservative hopes of the country hang has been threatened with division, and possibly may not hereafter be united. Thanks to a sanguine temperament, thanks to an abiding faith, thanks to a confidence in the Providence which has so long ruled for good the destiny of my country, I believe it will reunite, and reunite upon sound and acceptable principles. At least, I hope so.

From the postulates which I have laid down result the fourth and fifth resolutions. They are the two which I expect to be opposed. They contain the assertion of the equality of rights of all the people of the United States in the Territories, and they declare the obligation of the Congress to see these rights protected. I admit that the United States may acquire eminent domain. I admit that the United States may have sovereignty over territory; otherwise the sovereign jurisdiction which we obtained by conquest or treaty would not pass to us. I deny that their agent, the Federal Government, under the existing Constitution, can have eminent domain; I deny that it can have sovereignty. I consider it as the mere agent of the Statesan agent of limited power; and that it can do nothing save that which the Constitution empowers it to perform; and that, though the treaty or the deed of cession may direct or control, it cannot enlarge or expand the powers of the Congress; that it is not sovereign in any essential particular. It has functions to perform, and those functions I propose now to consider.

The power of Congress over the Territories—a subject not well-defined in the Constitution of the United States—has been drawn from various sources by different advocates of that power. One has found it in the grant of power to dispose of the territory and other public property. That is to say, because the agent was authorized to sell a particular thing, or to dispose of it by grant or barter, therefore he has sovereign power over that and all else which the principal constituting him an agent may hereafter acquire! The property, besides the land, consisted of forts, of ships, of armaments, and other things which

had belonged to the States in their separate capacity, and were turned over to the Government of the Confederation, and transferred to the Government of the United States, and of this, together with the land so transferred, the Federal Government had the power to dispose; and of territory thereafter acquired, of arms thereafter made or purchased, of forts thereafter constructed, or custom-houses, or docks, or lights, or buoys; of all these, of course, it had power to dispose. It had the power to create them; it must, of necessity, have had the power to dispose of them. It was only necessary to confer the power to dispose of those things which the Federal Government did not create, of those things which came to it from the States, and over which they might signify their will for its control.

I look upon it as the mere power to dispose of, for considerations and objects defined in the trust, the land held by the United States, none of which then was within the limits of the States, and the other public property which the United States received from the States after the formation of the I do not agree with those who say the Government has no power to establish a temporary and civil government within a Territory. I stand half way between the extremes of squatter sovereignty and of congressional sovereignty. I hold that the Congress has power to establish a civil government; that it derives it from the grants of the Constitution-not the one which is referred to; and I hold that that power is limited and restrained, first by the Constitution itself, and then by every rule of popular liberty and sound discretion, to the narrowest limits which the necessities of the case require. Congress has power to defend the territory, to repel invasion, to suppress insurrection; the Congress has power to see the laws executed. For this, it may have a civil magistracy—territorial courts. It has the power to establish a Federal judiciary. To that Federal judiciary, from these local courts, may come up to be decided questions with regard to the laws of the United States, and the Constitution of the United States. These, combined, give power to establish a temporary government sufficient, perhaps, for the simple wants of the inhabitants of a Territory, until they shall acquire the population, until they shall have the resources and the interests which justify them in becoming a State. I am sustained in this view of the case by an opinion of the Supreme Court of the United States in 1845, in the case of Pollard's lessee vs. P. Hagan, (3 Howard, 222, 223,) in which the court says:

"Taking the legislative acts of the United States, and the States of Virginia and Georgia, and their deeds of cession to the United States, and giving to each separately, and to all jointly, a fair interpretation, we must come to the conclusion that it was the intention of the parties to invest the United States with the eminent domain of the country ceded, both national and municipal, for the purposes of temporary government; and to hold it in trust for the performance of the stipulations and conditions expressed in the deeds of cession and the legislative acts connected with them."

This was a question of land. It was land lying between high and low water, over which the United States claimed to have and to exercise authority, because of the terms on which Alabama had been admitted into the Union. In that connection the court says, in the same case:

"When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purpose provided for in the deeds of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands; and if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative: because the United States has no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

Another case arose not long afterwards, in which not land, but religion, was involved, where suit was brought against the municipality of New Orleans because they would not allow a dead body to be exposed at a place where, according to the religious rites of those interested, it was deemed they had a right thus to expose it. On that the Supreme Court says, speaking of the ordinance for the government of Louisiana:

"So far as they conferred political rights and secured civil and religious liberties (which are political rights) the laws of Congress were all suspended by the State constitution; nor is any part of them in force, unless they were adopted by the constitution of Louisiana, as laws of the State."—Permoli vs. First Municipality, 3 Howard, 610.

Thus we find the Supreme Court sustaining the proposition that the Federal Government has power to establish a temporary civil government within the limits of a Territory; but that it can enact no law which will endure beyond the temporary purposes for which such government was established. In other cases the decisions of the court run in the same line; and in 1855 the then Attorney General, most learned in his profession—and in what else is he not learned, for he may be said to be a man of universal acquirements?—Attorney General Cushing then foretold what must have been the decision of the Supreme Court on the Missouri compromise, anticipating the decision subsequently made in the case of Dred Scott; that decision for which the venerable justices have been so often and so violently arraigned. He foretold it as the necessary consequence from the line of precedents descending from 1842, affirmed and reaffirmed in different cases, and now bearing on a case similar in principle, and only different in the mere reference to the subject involved from those which had gone before. As connected with the decision which has agitated the peace of the country; as the anticipation of that decision before it was made, viewing it as the necessary consequence of the decisions which the court had made before; if it be the pleasure of the Senate, I ask my friend from South Carolina to read for me a letter of the Attorney General. being an official answer made by him in relation to the military reservation which was involved in the question before him.

Mr. CHESNUT read from the Opinions of the Attorneys General, volume 7, page 575:

"The Supreme Court has determined that the United States never held any municipal sovereignty, jurisdiction, or right of soil in the territory of which any of the new States have been formed, except for temporary purposes, and to execute the trusts created by the deeds of cession."

"By the force of the same principle, and in the same line of adjudications, the Supreme Court would have had to decide that the provision of the act of March 6, 1820, which undertakes to determine in advance the municipal law of all that portion of the original province of Louisiana which lies north of the parallel of 36° 30' north latitude, was null and void ab incepto, if it had not been repealed by a recent act of Congress. (Comp. IV., Stat. at Large, p. 848, and X. Stat. at Large, p. 289.) For an act of

Congress which pretends of right, and without consent or compact, to impose on the municipal power of any new State or States limitations and restrictions not imposed on all, is contrary to the fundamental condition of the Confederation, according to which there is to be equality of right between the old and new States 'in all respects whatsoever.' ''

Mr. DAVIS. It was not long after this official opinion of the Attorney General before the case arose on which the decision was made which has so agitated the country. Fortunate, indeed. was it for the public peace that land and religion had been decided—those questions on which men might reason had been the foundation of judicial decision-before that which drives all reason, it seems, from the mind of man, came to be presented: the question whether Cuffee should be kept in his normal condition or not; the question whether the Congress of the United States could decide what might or might not be property in a Territory. The case being that of an officer of the Army sent into a Territory to perform his public duty, having taken with him his negro slave. The court, however, in giving their decision in this case—or their opinion, if it suits gentlemen better-have gone into the question with such clearness, such precision, and such amplitude, that it will relieve me from the necessity of arguing it any further to make a reference to some sentences contained in that opinion. And here let me say, I cannot see how those who agreed on a former occasion that the constitutional right of the slaveholder to take his property into the Territory—the constitutional power of the Congress and the constitutional power of the Territory to legislate upon that subject-should be a judicial question, can now attempt to escape the operation of an opinion which covers the exact political question which it was known beforehand the court would be called upon to decide. Decided in strictness of technical language it was known it could not be. Hundreds, thousands, a vast variety of cases may arise, and centuries elapse, and leave that court, if our Union still exists, deciding questions in relation to that character of property in the Territories; but the great and fundamental idea was that, after thirty years of angry controversy, dividing the people and paralyzing the arm of the Federal Government, some umpire should be sought which would compose the difficulty and set it upon a footing to leave us in future to proceed in peace; and that umpire was selected which the Constitution had provided to decide questions of law. I ask my friend to read some extracts from the decision.

Mr. CHESNUT read as follows, from the case of Dred Scott vs. Sandford, pp. 55, 56, and 57:

"The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor

lawfully deny any right which it has reserved." . . .

"The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under territorial government, as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizens of a Territory, so far as these rights are concerned, on the same footing with citizens of the States, and guards them as firmly and plainly against any inroads which the General Government might attempt under the plea of implied or incidental powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a territorial government to exercise them. It could confer no power on any local government, established by its authority, to violate the provisions of the Constitution." . . . "And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial. has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government.'

"This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in

his rights.

"Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident."

Mr. DAVIS. Here, then, Mr. President, I say the umpire selected as the referee in the controversy has decided that neither the Congress nor its agent, the territorial government, has the power to invade or impair the right of property within the limits of a Territory. I will not inqure whether it be technically a decision or not. It was obligatory on those who selected the umpire and agreed to abide by the award.

It is well known to those who have been associated with me in the two Houses of Congress that, from the commencement of the question, I have been the determined opponent of what is called squatter sovereignty. I never gave it countenance. and I am now least of all disposed to give it quarter. In 1848 it made its appearance for good purposes. It was ushered in by a great and good man. He brought it forward because of that distrust which he had in the capacity of the Government to bear the rude shock to which it was exposed. His apprehension, no doubt, to some extent sharpened and directed his patriotism, and his reflection led him to a conclusion to which. I doubt not, to-day he adheres as tenaciously as ever; but from which it was my fortune, good or ill, to dissent when his letter was read to me in manuscript; I being, together with some other persons, asked, though not by the writer, whether or not it should be sent. At the first blush, I believed it to be a fallacy —a fallacy fraught with mischief; that it escaped an issue which was upon us which it was our duty to meet; that it escaped it by a side path, which led to greater danger. I thought it a fallacy which would surely be exploded. I doubted then, and still more for some time afterwards, when held to a dread responsibility for the position which I occupied—I doubted whether I should live to see that fallacy exploded. It has been more speedily and, to the country, more injuriously, than I anticipated. In the meantime, what has been its operation? Let Kansas speak—the first great field on which the trial was made. What was then the consequence? The Federal Government withdrawing control, leaving the contending sections, excited to the highest point upon this question, each to send forth its army, Kansas became the battle field, and Kansas the cry which well nightled to civil war. This was the first fruit. More deadly than the fatal upas, its effect was not limited to the mere spot of ground on which the dew fell from its leaves, but it spread throughout the United States; it kindled all which had been collected for years of inflammable material. It was owing to the strength of our Government and the good sense of the quiet masses of the people that it did not wrap our coun-

try in one widespread conflagration.

What right had Congress then, or what right has it now, to abdicate any power conferred upon it as trustee of the States? What right had Congress then, or has it now, to shrink from the performance of a duty because the mere counters spread on the table may be swept off, when they have not answered the purposes for which they were placed? What is it to you or me, or any one, when we weigh our own continuation in place against the great interests of which we are conservators; against the welfare of the country, and the liberty of our posterity to the remotest ages? What is it, I say, which can be counted in the balance on our side against the performance of that duty which is imposed upon us? If any one believes Congress has not the constitutional power, he acts conscientiously in insisting upon Congress not usurping it. If any one believes that the squatters upon the lands of the United States within a Territory are invested with sovereignty, having won it by some of those processes unknown to history, without grant or without revolution, without money and without price, he adhering to the theory may pursue it to its conclusion. To the first class, those who claim sovereign power over the Territories for Congress, I say, lay your hand upon the Constitution, and find there the warrant of your authority. Of the second, those of whom I have last spoken, I ask, in the Constitution, reason, right, or justice, what is there to sustain your theory?

The phraseology which has been employed on this question seems to me to betray a strange confusion of ideas. To speak of a sovereignty, a plenary legislative power deriving its power from an agent; a sovereignty held subject to articles with the formation of which that sovereignty had nothing to do; a compact to which it was not a party! You say to a sovereign, "A and B have agreed on certain terms between themselves, and you must govern your conduct according to them; yet I do not deny your sovereignty!" That is, the power to do as they please, provided it conforms to the rule which others chose to lay down! Can this be a definition of sovereignty?

But again, sir, nothing seems to me more illogical than the argument that this power is acquired by a grant from the Congress, connected with the other argument that Congress have

not got the power to do the act themselves; that is to say, that the recipient takes more than the giver possessed; that a Territorial Legislature can do anything which a State Legislature can do, and that "subject to the Constitution" means merely the restraints imposed upon both. This is confounding the whole theory and the history of our Government. The States were the grantors; they made the compact; they gave the Federal agent its powers; they inhibited themselves from doing certain things, and all else they retained to themselves. This Federal agent got just so much as the States chose to give, no more. It could do nothing save by warrant of the authority of the grant made by the States. Therefore its powers are not comparable to the powers of the State Legislature, because one is the creature of grant, and the other the exponent of sovereign power. Supreme Court have covered the whole ground of the relation of the Congress to the Territorial Legislatures—the agent of the States and the agent of the Congress—and the restrictions put upon the one are those put upon the other, in language so clear as to render it needless further to labor the subject.

In 1850, following the promulgation of this notion of squatter sovereignty, we had the idea of non-intervention introduced into the Senate of the United States, and it is strange to me how that idea has expanded. It seems to have been more malleable than gold, to have been hammered out to an extent that covers boundless regions undiscovered by those who proclaimed the doctrine. Non-intervention then meant, as the debates show, that Congress should neither prohibit nor establish slavery in the Territories. That I hold to now. Will any one suppose that Congress then meant by non-intervention that Congress should legislate in no regard in respect to property in slaves? Why, sir, the very acts which they passed at the time refute There is the fugitive slave law, and that abomination of laws which assumed to confiscate the property of a citizen who should attempt to bring it into this District with intent to remove it to sell it at some other time and at some other place. Congress acted then upon the subject, acted beyond the limit of its authority as I believed, confidently believed; and if ever that act comes before the Supreme Court, I feel satisfied that they will declare it null and void. Are we to understand that those men, thus acting at the very moment, intended by nonintervention to deny and repudiate the laws they were then creating? The man who stood most prominently the advocate of the measures of that year, who, great in many periods of our history, perhaps shone then with the brightest light his genius ever emitted—I refer to Henry Clay—has given his own view on this subject; and I suppose he may be considered as the highest authority. On June 18, 1850, I had introduced an amendment to the compromise bill, providing:

"And that all laws, or parts of laws, usages, or customs, preexisting in the Territories acquired by the United States from Mexico, and which in said Territories restrict, abridge, or obstruct the full enjoyment of any right of person or property of a citizen of the United States, as recognized or guaranteed by the Constitution or laws of the United States, are hereby declared and shall be held as repealed."

Upon that, Mr. Clay said:

"Mr. President, I thought that upon this subject there had been a clear understanding in the Senate that the Senate would not decide itself upon the lex loci as it respects slavery; that the Senate would not allow the Territorial Legislature to pass any law upon that question. In other words, that it would leave the operation of the local law or of the Constitution of the United States upon that local law to be decided by the proper and competent tribunal—the Supreme Court of the United States."—Appendix to Congressional Globe, Thirty-First Congress, first session, p. 916.

That was the position taken by Mr. Clay, the leader. A mere sentence will show with what view I regarded the dogma of non-intervention when that amendment was offered. I said:

"But what is non-intervention seems to vary as often as the light and shade of every fleeting cloud. It has different meanings in every State, in every county, in every town. If non-intervention means that we shall not have protection for our property in slaves, then I always was, and always shall be, opposed to it. If it means that we shall not have the protection of the law because it would favor slaveholders, that Congress shall not legislate so as to secure to us the benefits of the Constitution, then I am opposed to non-intervention, and always shall be opposed to it."—Appendix to Congressional Globe, Thirty-First Congress, first session, p. 919.

Mr. Downs, one of the committee of thirteen, and an advocate of the measures, said:

"What I understand by non-intervention is, an interposition of Congress prohibiting, or establishing, or interfering with

slavery."—Appendix to Congressional Globe, Thirty-First Congress, first session, p. 919.

By what species of legerdemain this doctrine of non-intervention has come to extend to a paralysis of the Government on the whole subject, to exclude the Congress from any kind of legislation whatever, I am at a loss to conceive. Certain it is, it was not the theory of that period, and it was not contended for in all the controversies we had then. I had no faith in it then; I considered it an evasion; I held that the duty of Congress ought to be performed; that the issue was before us, and ought to be met, the sooner the better; that truth would prevail if presented to the people; borne down to-day, it would rise up to-morrow; and I stood then on the same general plea which I am making now. The Senator from Illinois [Mr. Douglas] and myself differed at that time, as I presume we do now. We differed radically then. He opposed every proposition which I made, voting against propositions to give power to a Territorial Legislature to protect slave property which should be taken there; to remove the obstruction of the Mexican laws; voting for a proposition to exclude the conclusion that slavery might be taken there; voting for the proposition expressly to prohibit its introduction; voting for the proposition to keep in force the laws of Mexico which prohibited it. Some of these votes, it is but just to him I should say, I think he gave perforce of his instructions; but others of them, I think it is equally fair to suppose, were outside of the limits of any instructions which could have been given before the fact.

In 1854, advancing in this same general line of thought, the Congress, in enacting territorial bills, left out a provision which had before been usually contained in them, requiring the Legislature of the Territory to submit its laws to the Congress of the United States. It has been sometimes assumed that this was the recognition of the power of the Territorial Legislature to exercise plenary legislation, as might that of a State. It will be remembered that, when our present form of Government was instituted, there were those who believed the Federal Government should have the power of revision over the laws of a State. It was long and ably contended for in the convention which formed the Constitution; and one of the compromises which was made was an appellate, to lodge power in the Supreme Court to decide all questions of constitutional law.

But did this omission of the obligation to send here the laws of the Territories work this grant of power to the Territorial

Legislature? Certainly not: it could not; and that it did not, is evinced by the fact that at a subsequent period, the organic act was revised because the legislation of the Territory of Kansas was offensive to the Congress of the United States. Congress could not abdicate its authority; it could not abandon its trust; and when it omitted the requirement that the laws should be sent back, it created a casus which required it to act without the official records being laid before it, as they would have been if the obligation had existed. That was all the difference. It was not enforcing upon the agent the obligation to send the information. It left Congress, as to its power, just where it was. I find myself physically unable to go as fully into the subject as I intended, and therefore, omitting a reference to those acts, suffice it to say, that here was the recognition of the obligation of Congress to interpose against a Territorial Legislature for the protection of personal right. That is what we ask of Congress now. I am not disposed to ask this Congress to go into speculative legislation. I am not one of those who would willingly see this Congress enact a code to be applied to all Territories and for all time to come. I only ask that cases, as they arise, may be met according to the exigency. I ask that when personal and property rights in the Territories are not protected, then the Congress, by existing laws and governmental machinery, shall intervene and provide such means as will secure in each case, as far as may be, an adequate remedy. I ask no slave code, nor horse code, nor machine code. I ask that the Territorial Legislature be made to understand beforehand that the Congress of the United States does not concede to them the power to interfere with the rights of person or property guaranteed by the Constitution, and that it will apply the remedy, if the Territorial Legislature should so far forget its duty, so far transcend its power, as to commit that violation of right. That is the announcement of the fifth resolution.

My colleague arraigned that resolution because it did not go far enough. He thought the mere proposition to act when necessary did not meet the case which he said now existed, because he said the necessity had arisen. To that my answer is, that here I ask the Senate to declare great truths to-day, and for all time to come, to bring back the popular judgment to the standard of the Constitution; that I am not seeking legislation in these resolutions; I am but making great declarations on which legislation may be founded. These declarations will be good to-day and to-morrow; they will speak a restraining voice to the Territorial Legislatures. They will speak our sen-

timents as to the rights of person and property, the obligations and duties of the Constitution. It is for that purpose I introduced them; it is for that purpose I seek the vote of the Senate. At some other time I may institute a comparison between these resolutions and their doctrines, and those of some others before the Senate, particularly those of my colleague, who has twice criticised mine, once very harshly when I was detained by illness from the Senate. I will now only say, however, Mr. President, that his second resolution contains what I consider too near an affiliation with his distinguished friend from Illinois. The admission that every Territory when organized is to exercise legislative power inclines rather too much to the direction of squatter sovereignty. At an earlier period of our history many Territories were organized without a Legislature, with simply a Governor and Council, and if the Territory of Utah was fitted for anything in the form of civil government, a Governor and Council are as much as it ever ought to have had. I thus illustrate my opinion by a case in point.

These are the general views which I entertain of our right of protection and the duty of the Government. They are those which are entertained by the constituency I have the honor to represent, whose delegation has recently announced those principles at Charleston. I honor them, and I approve their conduct. I think their bearing was worthy of the mother State which sent them there; and I doubt not she will receive them with joy and gratitude. They have asserted and vindicated her equality of right. By that asserted equality of right I doubt not she will stand. For weal or for woe, for prosperity or adversity, for the preservation of the great blessings which we enjoy, or the trial of a new and separate condition, I trust Mississippi never will surrender the smallest atom of the sovereignty, independence, and equality, to which she was born, to avoid any danger or any sacrifice to which she may thereby be exposed.

The sixth resolution of the series declares at what time a State may form a constitution and decide upon her domestic institutions. I deny this right to the territorial condition because the Territory belongs in common to the States. Every citizen of the United States as a joint owner of that Territory has a right to go into it with any property which he may possess. These territorial inhabitants require municipal law, police, and government. They should have it, but it should be restricted to their own necessities. They have no right within their municipal power to attempt to decide the rights of the people of the

States. They have no right to exclude any citizen of the United States from coming and equally enjoying this common possession; it is for the purpose of preserving order, giving protection to rights of person and property, that a municipal territorial

government should be instituted.

The last resolution refers to a law founded on a provision of the Constitution, which contains an obligation of faith to every State of the Union; and that obligation of faith has been violated by thirteen States of the Confederacy—as many as originally fought the battles of the Revolution and established the Confederation. Is it to be expected that a compact thus broken in part, violated in its important features, will be regarded as binding in all else? Is the free trade which the North sought in the formation of the Union, and for which the States generally agreed to give Congress the power to regulate commerce, to be trampled under foot by laws of obstruction, not giving to the citizens of the South that free transit across the territory of the northern States which we might claim from any friendly State under Christendom; and is Congress to stand powerless by, on the doctrine of non-intervention? We have a right to claim abstinence from interference with our rights from any Government on the earth. Shall we claim no more from that which we have constituted for our own purposes. and which we support by draining our own means for its support?

We have had agitation, changing in its form, and gathering intensity, for the last forty years. It was first for political power, and directed against new States; now it has assumed a social form, is all-prevailing, and has reached the point of revolution and civil war. For it was only last fall that an overt act was committed by men who were sustained by arms and money, raised by extensive combination among the nonslaveholding States, to carry treasonable war against the State of Virginia, because now as before the Revolution, and ever since she held the African in bondage. This is part of the history and marks the necessity of the times. It warns us to stop and reflect, to go back to the original standard, to measure our acts by the obligation of our fathers, by the pledges they made one to the other, to see whether we are conforming to our plighted faith, and to ask seriously, solemnly, looking each other inquiringly in the face, what we should do to save our

country.

This agitation being at first one of sectional pride for political power, has at last degenerated or grown up to (as you please)

a trade. There are men who habitually set aside a portion of money which they are annually to apply to what are called "charitable purposes;" that is to say, so far as I understand it, to support some vagrant lecturer, whose purpose is agitation and mischief wherever he goes. This constitutes, therefore, a trade; a class of people are thus employed, employed for mischief, for incendiary purposes, perhaps not always understood by those who furnish the money; but such is the effect; such is the result of their action; and in this state of the case I call upon the Senate to affirm the great principles on which our institutions rest. In no spirit of crimination have I stated the reasons why I present it. For these reasons, I call upon them now to restrain the growth of evil passion, and to bring back the public sense as far as in them lies, by earnest and united effort, if it may be, to crown our country with peace, and start it once more in its primal channel on a career of progressive

prosperity and justice.

The majority section cannot be struggling for additional power in order to preserve their rights. If any of them ever believed in what is called southern aggression, they know now they have the majority in the representative districts and in the electoral college. They cannot, therefore, fear an invasion of their rights. They need no additional political power to protect them from that. The argument, then, or the reason on which this agitation commenced, has passed away; and yet we are asked, if a party hostile to our institutions shall gain possession of the Government, that we shall stand quietly by, and wait for an overt act. Overt act! Is not a declaration of war an overt act? What would be thought of a country that, after a declaration of war, and whilst the enemy's fleets were upon the sea, should wait until a city had been sacked before it would say that war existed, or resistance should be made? The power of resistance consists, in no small degree, in meeting the evil at the outer gate. I can speak for myself-and I have no right to speak for others—when I say that if I belonged to a party organized on the basis of making war on any section or interest in the United States, if I know myself, I would instantly quit We have made no war against you. We have asked no discrimination in our favor. We claim to have but the Constitution fairly and equally administered. To consent to less than this, would be to sink in the scale of manhood; would be to make our posterity so degraded that they would curse this generation for robbing them of the rights their revolutionary fathers bequeathed them.

Is this expected? Yet it is for the assertion of such thoughts, such intents as these, that we of the South are arraigned as threatening and attempting to menace the North. I understand the artful dodge which induces the use of that word "menace." No portion of our people are subject to fear, nor are they to be intimidated by threats. They all have much of that sentiment which feels a pride in peril's hour; and therefore it is that our demand of equal rights, our assertion of the determination never to surrender them, has been tortured into a menace to those with whom we have ever sought to live in peace. It is not a threat, but a warning; and that warning is given in the spirit of fraternity. When we say to those who have a common destiny, a common interest with us, "stop ere your tread is on an empire's dust." it is not to destroy, but to avoid the dread alternative; we call you to the sober reckoning of the account before you. It would be idle to expect us to be satisfied with mere declarations that the only purpose is to prevent slaves being taken into the Territories. We have a recent example, teaching a melancholy lesson of the madness and faithlessness of Abolitionism. When the British emancipationists met at Old Jewry, they said their only object was to break up the slave trade; but soon arose the amis des noirs of France. At first they proclaimed their purpose to be the education of mulattoes. The new schools progressed with hastening steps to a common goal. The steady growth of their purpose; the terrible catastrophes which ensued; the wide-spread ruin which now broods over the most fertile portion of the West Indies, proclaim how idle it is to rely on those who set out with no fixed rule of conduct—their imaginations turned loose on the field of mere speculative philosophy, and attempting, upon such a basis, to legislate for public interests. This English teaching, this English philanthropy, is to us what the wooden horse was at the siege of Troy. It has its concealed evil; it is, I believe, the separation of these States; the ruin of the navigating and manufacturing States who are their rivals; not the southern States who contribute to their wealth and prosperity. Yet, strange as it may seem, there only do the seeds they scatter take root. British interference finds no footing, receives no welcome among us of the South; we turn with loathing and disgust from their mock philanthropy. We look with sorrow upon the gallant sailors of the United States who perish on the coast of Africa, participating in a scheme which is to people the British islands with captive Africans sent there

from captured slavers. Whilst we are gulled, as it were whilst we are expending our means and appropriating money to send the captured Africans back, not to their home—they had none -but to a colony founded by the United States, Great Britain forces them into her own colonial possessions, and there, under the name of apprenticeship, compels them to labor. horrible still: while preaching her crusade against the domestic institutions of the United States, she is engaged in a trade for a race of men sufficiently high in the scale of creation to value family ties and to feel the sentiment of home-coolies kidnapped; boys tolerably well educated; tradesmen, anothecaries in abundance, caught up in China, and brought to be sold to the cultivators of colonial sugar estates. This offense against nature has met with some solemn retributions. The rising of these miserable captives against the captain and crew, and the horrible barbarity with which the trade is pursued, are to be seen in the accounts of wrecks where the hatches are battened down, the ship deserted by the crew, left beating on the rocks. and these miserable prisoners, without the light of heaven, left there to hear the rush of the relentless wave, and to weep for their fatherland, from which they were borne by men more relentless than the wave which rushes on to their destruction. With such manifestations as these, how can they prate philanthropy to us who hold in bondage a race of men who never were free; who for thousands of years have occupied the condition they did in the American colonies, and do now in the southern States, and who live in a quietude and happiness which she might be well employed in bestowing on the suffering peasantry of England and her colonial dependencies of the East.

Among the great purposes declared in the preamble of the Constitution is one to provide for the general welfare. Provision for the general welfare implies general fraternity. This Union was not expected to be held together by coercion; the power of force as a means was denied. They sought, however, to bind it perpetually together with that which was stronger than triple bars of brass and steel—the ceaseless current of kind offices, renewing and renewed in an eternal flow, and gathering volume and velocity as it rolled. It was a function intended not for the injury of any. It declared its purpose to be the benefit of all. Concessions which were made between the different States in the convention prove the motive. Each gave to the other what was necessary to it; what each could afford to spare. Young as a nation, our triumphs under this system

have had no parallel in human history. We have tamed a wilderness; we have spanned a continent. We have built up a granary that secures the commercial world against the fear of famine. Higher than all this, we have achieved a moral triumph. We have received, by hundreds of thousands, a constant tide of immigrants—energetic if not well educated, fleeing, some from want, some from oppression, some from the penalties of violated law—received them into our society; and by the gentle suasion of a Government which exhibits no force, by removing want and giving employment, they have subsided into peaceful citizens, and have increased the wealth and power of our country.

If, then, this temple so blessed, and to the roof of which we were about to look to see it extended over the continent, giving a protecting arm to infant republics that need it—if this temple is tottering on its pillars, what, I ask, can be a higher or nobler duty for the Senate to perform than to rush to its pillars and uphold them, or be crushed in the attempt? We have tampered with a question which has grown in magnitude by each year's delay. It requires to be plainly met; the truth to be told. The patriotism and the sound sense of the people, whenever the Federal Government from its high places of authority shall proclaim the truth in unequivocal language, will, in my firm belief, receive and approve it. But so long as we deal like the Delphic oracle in words of double meaning, so long as we attempt to escape from responsibility, and exhibit our fear to declare the truth by the fact that we do not act upon it, we must expect speculative theory to occupy the mind of the public. and error to increase as time rolls on. But if the sad fate should be ours, for this most minute cause, to destroy our Government, the historian who shall attempt philosophically to examine the question will, after he has put on his microscopic glasses and discovered it, be compelled to cry out, veritably so the unseen insect in the course of time destroys the mighty oak. Now, I believe—may I not say I believe if not, then I hope —there is yet time, by the full explicit declaration of the truth. to disabuse the popular mind, to arouse the popular heart, to expose the danger from lurking treason and ill-concealed hostility; to rally a virtuous people to their country's rescue, who circling closer and deeper, as the storm gathers fury. around the ark of their father's covenant, will place it in security, there happily to remain a sign of fraternity, justice, and equality, to our remotest posterity.

Mr. CLINGMAN obtained the floor.

Mr. BROWN. Mr. President, I do not propose to take the floor from my friend from North Carolina, who gave notice of an intention to speak; but only to say a word or two. My colleague, in the course of his speech, made one or two allusions to myself, which I think it proper to notice. My colleague thought it unjust for me to criticise his resolutions in his absence, and while he was detained by sickness. It is due to myself to say, that on that day I was not in when the resolutions were brought before the Senate. Some other Senator, whose name I am sorry to say I do not now remember, but I believe it was my friend from Delaware, [Mr. Saulsbury,] appointed that day to speak on the subject. It is true, I remarked the absence of my colleague, but did not know that he was detained by sickness. So much upon that point.

Then my colleague criticises the second of my resolutions, by saying that he thought it looked a little too far toward the squatter-sovereignty doctrine of the Senator from Illinois. I very much regret that my colleague did not make that suggestion at an earlier day, or did not suggest in what that affiliation towards the Senator from Illinois consisted; for at any earlier day than this, or to-day, or at any future day, I shall be prepared to strike from the resolution whatever looks towards squatter-sovereignty. I have stood here for twelve long years warring against the principle of squatter sovereignty. My record dates quite as far back as that of my colleague or any other man on that point. I stood in the Senate, as old Senators will recollect, and in my feeble way combated the present illustrious Secretary of State on that question when I stood almost alone. Never, at any time or under any circumstances, have I given the slightest possible countenance knowingly to that doctrine. If it be embodied in my second resolution, or the slightest scintilla of it, it crept in there without the knowledge of the man whose head dictated it or whose hand drafted it. I utterly repudiate the whole doctrine of squatter sovereignty.

Mr. President, without pursuing the subject, if it be in order, I will move an amendment to my colleague's fifth resolution. The fifth resolution is in these words:

"That if experience should at any time prove that the judicial and executive authority do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply such deficiency."

That is the fifth in the series of my colleague's resolutions. To that I move now, if it be in order, the following amendment: to strike out all after the word "resolved," and insert:

That experience having already shown that the Constitution and the common law, unaided by statutory enactments, do not afford adequate and sufficient protection to slave property, some of the Territories having failed, and others having refused to pass such enactments, it has become the duty of Congress to interpose and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property.

Now, Mr. President, with the indulgence of my friend one moment longer, whatever party in this country will stand upon that proposition will get my cordial support in the election. If it be but the party of Mississippi, I will stand with her. If it be but the party of one State, I will stand with it; and for the principle embodied in this amendment. For thirty years I have walked the deck of the old Democratic ship. During that time she has again and again made her port in safety. Once or twice she has gone aground, but soon was put affoat again by the returning tide. I want to stand upon her deck still. Like my colleague, I believe she will ride out this storm. I have heard that she is growing old and decayed, and is no longer seaworthy. Perhaps it is so: I hope not: but when I leave the deck of the good old Democratic ship, be it understood by all men that I will not go to sea in a cockboat, which will be overset by the first little squall that overtakes her. If I leave the old Democratic ship. I mean to stand on a platform such as is embodied in the amendment I have offered; about which I undertake to say there is no equivocation, no doubt, no hesitation. It meets the question broad and square and flat. If it does not, tell me in whatever language I shall couch it to meet the issue as it is. I am against squatter sovereignty in all its phases and all its aspects. I am for no equivocation, for no doubtful language; and no one knows it better than the Senator from Illinois. This is all at this time that I have to say.

Speech of Jefferson Davis in relation to property in the territories. May 16 and 17, 1860.

Reply to the speech of Senator Douglas.

[Revised by himself.]

The Senate resumed the consideration of the resolutions submitted by Mr. Davis on the 1st of March, relative to State rights, the institution of slavery in the States, and the rights of citizens of the several States in the Territories.

Mr. Douglas having concluded his speech,

Mr. DAVIS rose and said:

Mr. PRESIDENT: When the Senator from Illinois commenced his speech, he announced his object to be to answer to an arraignment, or, as he also termed it, an indictment, which he said I had made against him. He therefore caused extracts to be read from my remarks to the Senate. Those extracts announce that I have been the uniform opponent of what is called squatter sovereignty, and that, having opposed it heretofore, I was now, least of all, disposed to give it quarter. At a subsequent period, the fact was stated that the Senator from Illinois and myself had been opposed to each other on those questions which I considered as most distinctly involving southern interests in 1850. He has not answered to the allegation. He has not attempted to show that he did not stand in that position. It is true, he has associated himself with Mr. Clay; and, before closing, I will show that the association does not belong to him; that upon those test questions they did not vote together. He then somewhat vauntingly reminded me that he was with the victorious party; asserted that the Democracy of the country then sustained his doctrine, and that I was thus outside of that organization. With Mr. Clay! If he had been with him, he would have been in good company; but the old Jackson Democracy will be a little surprised to learn that Clay was the leader of our party, and that a man proves his allegiance to it by showing how closely he followed in the footsteps of Henry Clay.

When the Senator opened his argument, by declaring his purpose to be fair and courteous, I little supposed that an explanation made by me in favor of the Secretary of State, and which could not at all disturb the line of his arguments, would have been followed by the rude announcement that he could not permit interruption thereafter. A Senator has the

right to claim exemption from interruption, if he will follow the thread of his argument, direct his discourse to the question at issue, and confine himself to it; but if he makes up a medley of arraignments of the men who have been in public life for ten years past, and addressing individuals in his presence, he should permit an interruption to be made for correction as often as he misrepresents their position. It would have devolved on me more than once, if I had been responsible for his frequent references to me, to correct him, and show that he misstated facts; but as he would not permit himself to be interrupted, I am not

responsible for anything he has imputed to me.

The Senator commenced with a disclaimer of any purpose to follow what he considered a bad practice—of arraigning Senators here on matters for which they stood responsible to their constituents—but straightway proceeded to make a general arraignment of the present and the absent. I believe I constitute the only exception to whom he granted consistency, and that at the expense of party association, and, he would have it, at the expense of sound judgment. He not only arraigned individuals, but even States-Florida, Alabama, and Georgia-were brought to answer at the bar of the Senate for the resolutions they had passed: Virginia was held responsible for her policy; Mississippi received his critical notice. Pray, sir, what had all this to do with the question? Especially, what had all this to do with what he styled an indictment against him? It is a mere resort to a species of declamation which has not been heard to-day for the first time—a pretext to put himself in the attitude of a persecuted man, and, like the satur's guest, blowing hot and cold in the same breath, in the midst of his complaint of persecution, vaunts his supreme power. If his opponents be the very small minority which he describes, what fear has he of persecution or proscription?

Can he not draw a distinction between one who says, "I give no quarter to an idea," and one who proclaims the policy of putting the advocates of that idea to the sword? Such was his figurative language. That figure of the sword, however, it seemed, as he progressed in his development, referred to the one thought always floating through his brain—exclusion from the spoils of office; for, at last, it seemed to narrow down to the supposition that no man who agreed with him was, with our consent, to be either a Cabinet officer or a collector. Who has advanced any such doctrine? Have I, at this or any other period of my acquaintance with him, done anything to justify him in attributing that opinion to me? I pause for his answer.

Mr. DOUGLAS. I do not exactly understand the Senator. I have no complaint to make of the Senator from Mississippi of ever having been unkind or ungenerous towards me, if that is what he means to say.

Mr. DAVIS. Have I ever promulgated a doctrine which indicated that, if my friends were in power, I would sacrifice every other wing of the Democratic party?

Mr. DOUGLAS. I understood the making of a test on this issue against me would reach every other man that held my opinions; and, therefore, if I was not sound enough to hold office, no man agreeing with me would be; and hence every man of my opinions would be excluded.

Mr. DAVIS. Ah, Mr. President, I believe I now have caught the clue to the argument; it was not before apprehended. I was among those who thought the Senator, with his opinions, ought not to be chairman of the Committee on Territories. suppose, then, is the whole imposition. But have I not said to the Senator, at least once, that I had no disposition to question his Democracy? that I did not wish to withhold from him any tribute which was due to his talent and his worth? Did I not offer to resign the only chairmanship of a committee I had, if the Senate would confer it upon him? Then, where is this spirit of proscription, the complaint of which has constituted some hours of his speech? If others have manifested it. I do not know it; and as the single expression of "no quarter to the doctrine of squatter sovereignty" was the basis of his whole allegation. I took it for granted his reference to a purpose to do him and his friends such wrong must have been intended for me.

The fact that the Senator criticised the idea of the States prescribing the terms on which they will act in a party convention recognized to be representative, is suggestive of an extreme misconception of relative position; and the presumption with which the Senator censured what he was pleased to term "the seceders," suggested to me a representation of the air of the great monarch of France when, feeling royalty and power all concentrated in his own person, he used the familiar yet remarkable expression, "the State—that's me." Does the Senator consider it a modest thing in him to announce to the Democratic convention on what terms he will accept the nomination, but presumptuous in a State to declare the principle on which she will give him her vote? It is an advance on Louis Quatorze.

Nothing but the most egregious vanity, something far surpassing even the bursting condition of swollen pride, could have

induced the Senator to believe that I could not speak of squatter

sovereignty without meaning him.

Towards the Senator, personally, I have never manifested hostility-indeed, could not, because I have ever felt kindly. Many vears of association, very frequent cooperation, manly support from him in times of trial, are all remembered by me gratefully. The Senator, therefore, had no right to assume that I was making war upon him. I addressed myself to a doctrine of which he was not the founder, though he was one of the early disciples; but he proved an unprofitable follower, for he became rebellious, and ruined the logic of the doctrine. It was logical in Mr. Cass's mind; he claimed the power to be inherent in the people who settled a new Territory, and by this inherent power he held that they might proceed to form government and to exercise its functions. There was logic in that; logic up to the point of sovereignty. Not so with the Senator. He says the inhabitants of the Territories derive their power to form a government from the consent of Congress; that when we decide that there are enough of them to constitute a government, and enact an organic law, then they have power to legislate according to their will. This power being derived from an act of Congress, a limited agency tied down to the narrow sphere of the constitutional grant is made, by that supposition, the bestower of sovereignty on its creature.

I had occasion the other day to refer to the higher law as it made its first appearance on earth—the occasion when the tempter entered the garden of Eden. There is another phase of it. Whoever attempts to interpose between the supreme law of the creator and the creature, whether it be in the region of morals or politics, proclaims a theory that wars upon every principle of Government. When Congress, the agent for the States, within the limits of its authority, forms, as it were, territorial constitution, by its organic act, he who steps in and proclaims to the settlers in that Territory that they have the right to overturn the Government, to usurp to themselves powers not delegated, is preaching the higher law in the domain of politics, which is only less mischievous than its other form, because the other involves both politics and morals in one ruinous confusion.

The Senator spoke of the denial of Democratic fellowship to him. After what has been said and acknowledged by the Senator, it is not to be supposed that it could have any application to me. It may be proper to add, I know of no such denial on the part of other Democratic Senators. Far be it from me to vaunt the fact of being in the majority, and to hold him to the

hard rule he prescribes to us, of surrendering an opinion where we may happen to have been in a minority. Were I to return now to him the measure with which he metes to us, when he assumes that a majority in the Charleston convention has a right to prescribe what shall be our tenets, I might in reply to him say, as a sincere adherent of the Democratic party, how can you oppose the resolutions pending before the Senate? If twenty-seven majority in a body of three hundred and three constituent members had, as he assumes, the power to lay down a binding law, what is to be said of him who, with a single adherent, stands up against the whole of his Democratic associates? He must be outside of the party, according to his enunciation; he must be wandering in the dark regions to which he consigns the followers of Mr. Yancey.

The Senator said he had no taste for references to things which were personal, and then proceeded to discuss that of which he showed himself profoundly ignorant—the condition of things in Mississippi. It is disagreeable for me to bring before the Senate matters which belong to my constituents and myself, and I should not do so but for the fact of their introduction into the Senator's elaborate speech, which is no doubt to be spread over all parts of the country. The Senator, by some means or other, has the name of very many citizens in Mississippi; and as there is nothing in our condition to attract his special attention, his speech is probably to be sent over a wide field of correspondence; and it is, therefore, the more incumbent on me to notice his attempt to give a history of affairs that were transacted in Mississippi. He first announces that Mississippi rebuked the idea of intervention asserted in 1850; then that Mississippi rejected my appeal; that Mississippi voted on the issue made up by the compromise measure of 1850, and decided against me, and vaunts it as an approval of that legislation of which he was the advocate and I the opponent. Now, Mississippi did none of these Mississippi instructed her Senators, and I obeyed her instructions. I introduced into this body the resolutions which directed my course. On that occasion I vindicated Mississippi, and especially the southern rights men, from the falsehood of that day, and reiterated now, of a purpose to dissolve the Union. I vindicated her by extracts from the proceedings, as well of her convention as of her primary assemblies; and my remarks on that occasion, as fully as the events to which he referred in terms of undeserved compliment, justified the Senator in saying to-day that he knew I had always been faithful to the Government of which I was a part.

Acting under the instructions from Mississippi-not merely voting and vielding reluctant compliance; but, according to my ideas of the obligation of a Senator, laboring industriously and zealously to carry out the instructions which my State gave me-I took and maintained the position I held in relation to the measures of 1850. As it was with me a cordial service, I went home to vindicate the position which was hers as well as my own. Shortly after that, a canvass was opened in which a distinguished gentleman of our party, who had not been a member of Congress, was nominated for Governor. Questions, other than the compromise measures of 1850, arose in that canvass; they were discussed, in a great degree, to the exclusion of a consideration of the merits of the action of the Congress in 1850; and at the election in September for delegates to a convention we had fallen from a party majority of some eight thousand to a minority of nearly the same number. It was after the decision of the question involved in calling a convention, after our party was defeated, after the candidate for Governor had retired, that the Democracy of Mississippi called upon me to bear their standard. It was esteemed a forlorn hope; therefore an obligation of honor not to decline the invitation. But so far as the action in the Senate in 1850 was concerned, if it had any effect, it must have been the reverse of that assumed, as in the consequent election for State officers on the first Monday in November, this majority of nearly eight thousand against us was reduced to about one thousand.

But when this convention assembled, though a large majority of the members belonged to the party which the Senator has been pleased to term the "submissionists"—a name which they always rejected—this convention of the party most adverse to me, when they came to act on the subject, said, after citing the "compromise" measures of the Congress of 1850:

"And connected with them, the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia; and, while they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy, so long as the same, in all its features, shall be faithfully adhered to and enforced."

Then they go on to recite six different causes for which they will resort to the most extreme remedies which we had supposed ever could be necessary. The case only requires that I should say that the party to which I belonged did not then, or at any previous time, propose to go out of the Union, but to have a

southern convention for consultation as to future contingencies threatened and anticipated. It was at last narrowed down to the question whether we should meet South Carolina and consult with her. Honoring that gallant State for the magnanimity she had manifested in the first efforts for the creation of the Government, in the preliminaries to the struggle for independence. when she, a favored colony, feeling no oppression, nursed by the mother country, cherished in every method, yet agreed with Massachusetts, then oppressed, to assert the great principle of community independence, and to carry it to the extent of warhonoring her for her unvarying defense of the Constitution throughout her whole course—believing that she was true to her faith, and would redeem all her pledges—feeling that a friendly hand might restrain, while, if left to herself, her pride might precipitate her on the trial of separation, I did desire to meet South Carolina in convention, though nobody but ourselves should be there to join her.

But to close the matter, this convention, in its seventh resolution, after stating all those questions on which it would resist, declared:

"That as the people of Mississippi, in the opinion of this convention, desire all further agitation of the slavery question to cease, and have acted upon and decided the foregoing questions, thereby making it the duty of this convention to pass no act in the purview and spirit of the law under which it is called, this convention deems it unnecessary to refer to the people for approval or disapproval, at the ballot-box, its action in the premises."

So that when the Senator appealed to this as evidence of what the people of Mississippi had done, he was ignorant of the fact that the delegates of the people of Mississippi did not agree with him; that their resolutions did not sustain the view which he took; and that the people of Mississippi never acted on them. If, then, there had been good taste in the intervention of this local question, there was certainly very bad judgment in hazarding his statements on a subject of which he was so little informed.

The Senator here, as in relation to our friends at Charleston, takes kind care of us, supposes we do not know what we are about, but that he, with his superior discrimination, sees what must necessarily result from what we are doing; he says that at Charleston they—innocent people—did not intend to destroy the

Government; but he warns them that if they do what they propose, they will destroy it; and so he says we of Mississippi, not desiring to break up the Union, nevertheless pursued a course which would have had that result, if it had not been checked. Where does he get all this information? I have been in every State of the Union, except two—three, now, since Oregon has been admitted—but I have never seen a man who had as much personal knowledge. It is equally surprising that his facts should be so contrary to the record.

We believed then, as I believe now, that this Union, as a compact entered into between the States, was to be preserved by good faith and by a close observance of the terms on which we were united. We believe then, as I believe now, that the party which rested upon the basis of truth, promulgated its opinions, and had them tested in the alembic of public opinion, adopted the only path of safety. I cannot respect such a doctrine as that which says, "you may construe the Constitution your way, and I will construe it mine; we will waive the merit of these two constructions and harmonize together until the courts decide the question between us." A man is bound to have an opinion upon any political subject upon which he is called to act; it is skulking his responsibility for a citizen to say, "let us express no opinion; I will agree that you may have yours, and I will have mine; we will cooperate politically together, we will beat the Opposition, divide the spoils, and leave it to the courts to decide the question of creed between us."

I do not believe that this is the path of safety; I am sure it is not the way of honor. I believe it devolves on us, who are principally sufferers from the danger to which this policy has exposed us, to affirm the truth boldly, and let the people decide after the promulgation of our opinions. Our Government, resting as it does upon public opinion and popular consent, was not formed to deceive the people, nor does it regard the men in office as a governing class. We, the functionaries, should derive our opinions from the people. To know what their opinion is, it is necessary that we should pronounce, in unmistakable language, what we ourselves mean.

My position is, that there is no portion of our country where the people are not sufficiently intelligent to discriminate between right and wrong, and no portion where the sense of justice does not predominate. I therefore have been always willing to unfurl our flag to its innermost fold; to nail it to the mast with all our principles plainly inscribed upon it. Believing that we ask nothing but what the Constitution was intended to confer; nothing but that which, as equals, we are entitled to receive, I am willing that our case should be plainly stated to those who have to decide it, and await, for good or for evil, their verdict.

For two days the Senator spoke nominally upon the resolutions, and upon the territorial question; but like the witness in the French comedy, who, when called upon to testify, commenced before the creation, and was stopped by the judge, who told him to come down, for a beginning, to the deluge, he commenced so far back, and narrated so minutely, that he never got chronologically down to the point before us.

What is the question on which the Democracy are divided? Are we called upon to settle what everybody said from 1847 down to this date? Have the Democracy divided on that? Have they divided on the resolutions of the States in 1840, or 1844, or 1848? Have the Democracy undertaken to review the position taken in 1854—that there should be a latitude of construction upon a particular point of constitutional law while they did await the decision of the Supreme Court? No, sir; the question is changed from before to after the event; the call is on every man to come forward now, after the Supreme Court has given all it could render upon a political subject, and state that his creed is adherence to the rule thus expounded in accordance with previous agreement.

The Senator tells us he will abide by the decision of the Supreme Court; but it was fairly to be inferred, from what he said. that in the Dred Scott case he held that they had only decided that a negro could not sue in a Federal court. Was this the entertainment to which we were invited? Was the proclaimed boon of allowing the question to go to judicial decision, no more than that one after another each law might be tested; and that one after another each case, under every law, might be tried; and that, after centuries should roll away, we might hope for the period when, every case exhausted, the decision of our constitutional right and of the Federal duty would be complete? Or was it that we were to get rid of the controversy which had diyided the country for thirty years; that we were to reach a conclusion beyond which we could see the region of peace; that tranquillity was to be obtained by getting a decision on a constitutional question which had been discussed until it was seen that, legislatively, it could not or would not be decided? If, then, the Supreme Court has judicially announced that Congress cannot prohibit the introduction of slave property into a Territory, and that no one deriving authority from Congress can do so, and the Senator from Illinois holds that the inhabitants derive their power from the organic act of Congress, what restrains his acknowledgment of our right to go into the Territories, and his recognition of the case being closed by the opinion of the court? I can understand how one who has followed to its logical consequences the original doctrine of squatter sovereignty might still stand out and say this inherent right cannot be taken away by judicial decision; but is not one who claims to derive the power of the Territorial Legislature from a law of Congress, and who finds the opinion of the court conclusive as to Congress, and to all deriving their authority from it, estopped from any further

argument?

Much of what the Senator said about the condition of public affairs can only be regarded as the presentation of his own case, and requires no notice from me. His witticism upon the honorable Senator, the chairman of the Committee on the Judiciary, [Mr. BAYARD,] who is now absent, because of the size of the State which he represents, reminds one that it was mentioned, as an evidence of the stupidity of a German, that he questioned the greatness of Napoleon because he was born in the little island of Corsica. I know not what views the Senator entertained when he measured the capacity of the Senator from Delaware by the size of that State, or the dignity of his action at Charleston by the number of his constituents. If there be any political feature which stands more prominently out than another in the Union. it is the equality of the States. Our stars have no variant size: they shine with no unequal brilliancy. A Senator from Delaware holds a position entitled to the same respect, as such, as a Senator from any other State of the Union. More than that: the character, the conduct, the information, the capacity of that Senator, might claim respect, if he was not entitled to it from his position.

Twice on this occasion, and more than the same number of times heretofore, has the Senator referred to the great benefit derived from that provision which grants a trial in the local court—an appeal to the supreme court of the Territory, and an appeal from thence to the Supreme Court of the United States on every question involving title to slaves. I wish to say that whatever merit attaches to that belongs to a Senator to whom the advocates of negro slavery have not often been in the habit of acknowledging their obligations—the Senator from New Hampshire, [Mr. Hale,] who introduced it in 1850 as an amendment to the New Mexico bill. We adopted it as a fair proposition, equally acceptable upon one side and the other; on its adoption no one voted against it. That proposition was incorporated in the Kansas bill; but unless we acknowledge obligations to the

Senator from New Hampshire, how shall they be accorded for that to the Senator from Illinois?

I am asked whether the resolutions of the Senate can have the force of law. Of course not. The Senate, however, is an independent member of the Government, and from its organization should be peculiarly watchful of State rights. Before the meeting of the Charleston convention it was untruly stated that these resolutions were concocted to affect the action of the Charleston convention. Now, we are asked if they are to affect the Baltimore convention. They were not designed for the one; they are not pressed in view of the other. They were introduced to obtain an expression of the opinion of the Senate—a proceeding quite frequent in the history of this body. It was believed that they would have a beneficial effect, and that they were stated in terms which would show the public the error of supposing that there was a purpose on the part of the Democracy, or of the South, to enact what was called a slave code for the Territories of the United States It was believed that the assertion of sound principles at this time would direct public opinion, and might be fruitful of such reuniting, harmonizing results as we all desire, and which the public need. Whether it is to have this effect or not; whether, at last, we are to be shorn of our national strength by personal or sectional strife, depends upon the conduct of those who have it in their power to control the result. The Democratic party, in its history, presents a high example of nationality; its power and its usefulness have been its coextension with the Union. The Democrats of the northern States who vote for these resolutions but affirm that which we have so often announced with pride, that there was a political opinion which pervaded the whole country—there was a party capable to save the Union, because it belonged to all the States. If the two Democratic Senators who alone have declared their opposition should so vote, to that extent the effect will be impaired, and they will stand in that isolation to which the Senator points as a consequence so dreadful to the southern men at Charleston.

[Here Mr. Davis gave way for a motion to adjourn, and on the 17th resumed:]

At the close of the session of yesterday I was speaking of the hope entertained that the Democratic party would yet be united; that the party which had so long wielded the destinies of the country for its honor, for its glory, and its progress, was not about to be checked midway in its career, to be buried in a premature grave; but that it was to go on with concentrated energy towards the great ends for which it has striven since 1800, by a

long pull and a strong pull and a pull all together, to bring the ship of State into that quiet harbor where vessels safe, without their hawsers, ride. This was a hope, however, not founded on any supposition that we were to escape from the issues which are presented—a hope not based on the proposition that every man should have his own construction of our creed, and that we should unite together merely for success; but that the party, as heretofore, in each succeeding quadrennial convention, would add to the resolutions of the preceding one such declarations as passing events indicated and the exigencies of the country demanded.

In the last four years a division has arisen in the Democratic party upon the construction of one of the articles of its creed. It behooves us, in that state of the case, to decide what the true construction is; for if the party be not a union of men upon principle, the sooner it is dissolved the better; and if it be such a union, why shall not those principles be defined so as to remove doubt or cavil, and be applied in every emergency to meet the demands of each succeeding case. Thus only can we avoid division in council and confusion in action.

The Senator from Illinois, who preceded me, announced that he had performed a pleasing duty in defending the Democratic party. That party might well cry out, "Save me from my defender." It was a defense of the party by the arraignment of its prominent members. It was the preservation of the body by the destruction of its head; for the President of the United States is, for the time being, the head of the party that placed him in position; and the head of the party thus in position cannot be destroyed without the disintegration of the members, and the destruction of the body itself. I suppose the Senator, however, was at his favorite amusement of "shooting at the lump." The "lump" heretofore has been those Democratic Senators who dissented from him: this time he involved Demograts all over the country. Not even the Presiding Officer, whose position seals his lips, could escape him; and here let me say that I found nothing in the extract read from that gentleman's address which, construed as was no doubt intended, does not meet my approval: but if tried by the modern lexicon of the Senator, it might be rendered a contradiction to his avowed opinions, and by the same mode of expounding, non-intervention would be a sin of which the whole Democracy might be convicted under the indictment of squatter sovereignty. The language quoted from the address of the Vice President is to be construed as understood at the time, at the place, and by men such as the one who used it.

With that force which usually enters into his addresses—with more even than his usual eloquence—the Senator referred to the scene which awaited him upon his return to Chicago, when, as represented, he met an infuriated mob, who assailed him for having maintained the measures of 1850—those compromises which, in the northern section, it was urged had been passed in the interest of the South. But, pray, what one of those measures was it which excited the mob so described? Only one, I believe, was put in issue at the North—the fugitive slave law; that one he did not vote for, but it was the part of manliness to say that, though absent and not voting for it, he approved of it; such, I believe, was his commendable course on that occasion. I give him, therefore, all due credit for not escaping from a responsibility to which they might not have held him. Are we to give perpetual thanks to any one because he did not yield to so senseless a clamor, but conceded to us that small measure of constitutional right; because he has complied with a requirement so plain that my regret is that it ever required congressional intervention to enforce it? It belonged to the honor of the States to execute that clause of the Constitution. They should have executed it without congressional intervention. Congressional action should only have been useful to give that uniformity of proceeding which State action could not have secured.

Concurring in the depicted evil of the destruction of the Democratic organization, it must be admitted that such consequence is the inevitable result of a radical difference of principle. The Senator laments the disease; but instead of healing, aggravates it. While pleading the evils of a disruption of the party, it is quite apparent that in his mind there is another still greater calamity; for, through all his arraignment of others, all his selflaudation, all his complaints of persecution, like an air through its variations, appears and reappears the action of the Charleston convention. That seemed to be the beginning and the end of The oft-told tale of his removal from the chairhis solicitude. manship of the Committee on Territories had to be renewed and connected with that convention, and even assumed as the basis on which his strength was founded in that convention. I think the Senator did himself injustice. I think his long career and distinguished labors, his admitted capacity for good hereafter, constitute a better reason for the support which he received, than the fact that his associates in the Senate had not chosen to put him in a particular position in the organization of this body. It is enough that that fact did not divert support from him; and I am aware of none of his associates here who have forced it

upon public attention with a view to affect him.

He claims that an arraignment made against his Democracy has been answered by the action of a majority of the convention at Charleston: and then proceeds to inform the minority men that he would scorn to be the candidate of a party unless he received a majority of its votes. There was no use in making that declaration; it requires not only a majority, but, under our ruling, a vote of two thirds, for a nomination. It was unnecessary for anybody to feel scorn towards that which he could not receive. Other unfortunate wights might mourn the event; it belonged to the Senator from Illinois to scorn it. The remark of Mr. Lowndes, which has been so often quoted, and which, beautiful in itself, has acquired additional value by time, that the Presidency was an office neither to be sought nor declined, has no application, therefore, to the Senator, for under certain contingencies he says he would decline it. It does not devolve on me to decide whether he has sought it or not.

But, sir, what is the danger which now besets the Democratic party? Is it, as has been asserted, the doctrine of intervention by Congress? And is that doctrine new? Is the idea that protection by Congress to all rights of person and property, wherever it has jurisdiction, so dangerous that, in the language employed by the Senator, it would sweep the Democratic party from the face of the earth? For what was our Government instituted? Why did the States confer upon the Federal Government the great functions which it possesses? For protection mainly for protection beyond the municipal power of the States. I shall have occasion, in the progress of my remarks, to cite some authority, and to trace this from a very early period. I will first. however, notice an assault which the Senator has thought proper to make upon certain States, one of which is in part represented by myself. He says they are seceders, bolters, because they withdrew from a party convention when it failed to announce their principles. There can be no tie to bind me to a party beyond my will. I will admit no bond that holds me to a party a day longer than I agree to its principles. When men meet together to confer, and ascertain whether or not they do agree, and find that they differ-radically, essentially, irreconcilably differ-what belongs to an honorable position except to part? They cannot consistently act together any longer. It devolves upon them frankly to announce the difference, and each to pursue his separate course.

The letter of Mr. Yancey—acknowledged to be a private letter,

an unguarded letter, but which somehow or other got into the press—was read to sustain this general accusation against what are called the cotton States. I do not pretend to judge how far the Senator has the right here to read a private letter, which, without the authority of the writer, has gone into the public press. It is one of those questions which every man's sense of propriety must in his own case decide. Whether or not the use of that letter was justifiable, how is it to be assumed that the southern States are bound by any opinion there enunciated? How to be asserted that we, the residents in those States, have pinned our faith to the sleeve of any man, and that we will follow his behest, no matter whither he may go? But was this the only source of information, or was the impression otherwise sustained? Did Mr. Yancey, in his speech delivered at Charleston, justify the conclusions which the Senator draws from this letter? Did he admit them to be correct? There he might have found the latest evidence and the best authority. Speaking to that point, Mr. Yancev said:

"It has been charged, in order to demoralize whatever influence we might be entitled to, either from our personal or political characteristics, or as representatives of the State of Alabama, that we are disruptionists, disunionists per se; that we desire to break up the party in the State of Alabama-to break up the party of the Union, and to dissolve the Union itself. Each and all of these allegations, come from what quarter they may, I pronounce to be false. There is no disunionist, that I know of, in the delegation from the State of Alabama. There is no disruptionist, that I know of; and if there are factionists in our delegation, they could not have got in there with the knowledge upon the part of our State convention that they were of so unenviable a character. We come here with two great purposes: first, to save the constitutional rights of the South, if it lay in our power to do so. We desire to save the South by the best means that present themselves to us; and the State of Alabama believes that the best means now in existence is the organization of the Democratic party, if we shall be able to persuade it to adopt the constitutional basis upon which we think the South alone can be saved."

He further says:

"We have come here, then, with the twofold purpose of saving the country and saving the Democracy; and if the Democracy will not lend itself to that high, holy, and elevated purpose; if it cannot elevate itself above the mere question of how perfect shall be its mere personal organization, and how wide-spread shall be its mere voting success, then we say to you, gentlemen, mournfully and regretfully, that in the opinion of the State of Alabama, and, I believe, of the whole South, you have failed in your mission, and it will be our duty to go forth and make an appeal to the loyalty of the country to stand by that Constitution which party organizations have deliberately rejected. [Applause.]"

Mr. Yancey answers for himself. It was needless to go back to old letters. Here were his remarks, delivered before the convention, speaking to the point in issue, and answering both as to his purposes and as to the motives of those with whom he conferred and acted.

The Senator next cited the resolutions of the State of Alabama, and here he seemed to rest the main point in his argument. The Senator said that Alabama, in 1856, had demanded of the Democratic convention non-intervention, and that, in 1860, she had retired from the convention because it insisted upon non-intervention; he read one of the resolutions of the Alabama convention of 1856, but the one which bore upon the point was not read. The one which was conclusive as to the position of Alabama then, and its relation to her position now, was exactly the one that was omitted—I read from the resolutions of this year—was as follows:

"Resolved further, That we reaffirm so much of the first resolution of the platform adopted in the convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to wit."

It then goes on to quote from that resolution of 1856, as follows:

"The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness, in which territorial governments are as yet unorganized."

That was the resolution of 1856; and like it was one of February, 1848:

"That it be the duty of the General Government, by all proper legislation, to secure an entry into those Territories to all the citizens of the United States, together with their property of every description; and that the same shall be protected by the United States while the Territories are under its authority."

So stands the record of that State, which is now held responsible for retiring, and is alleged to have withdrawn because she received now what in former times she had demanded as the full measure of her rights. Did she receive it? The argument could only be made by concealing the fact that her resolutions of 1848 and 1856 asserted the right to protection, and claimed it from the General Government. What, then, is the necessary inference? That in the Cincinnati platform they believed they obtained that which they asserted, or that which necessarily involved it. So much for the point of faith; so much for the point of consistency in the assertion of right. But if it were otherwise, if they had neglected to assert a right, would that destroy it? If they had failed at some time to claim this protection, are they to be estopped in all time to come from claiming it? Constitutional right is eternal: not to be sacrificed by any body of men. single man may revive it at any period of the existence of the Constitution. So the argument would be worthless if the facts were as stated. That they are not so stated, is shown by the record.

Here allow me to say, in all sincerity, that I dislike thus to speak about conventions; it does not belong to the duties of the Senate: we did not assemble here to make a President, except in the single contingency of a failure by the people and by the House of Representatives to elect. When that contingency arrives, the question will be before us. I am sorry that it should have been prematurely introduced. But since the action of the recent convention at Charleston is presented as the basis of argument, it may be as well to refer to it and see what it is. The majority report, presented by seventeen States of the Union, and those the States most reliable to give Democratic votes, the States counted so certain to give Democratic votes that they have been regarded as a fixed basis, a nucleus to which others were to be attracted—these seventeen States reported to the convention a series of resolutions, one of which asserted the right to protection. A minority of States reported another series, excluding the avowal of the right-not exactly denying it, but not avowing it—and a second minority report was submitted, being the Cincinnati platform pure and simple. It is true that a majority of delegates adopted the minority report, but not a majority of States: nor does it appear by an analysis of the votes, and the best evidence I have been able to obtain, that it was by a majority of delegates, if each had been left to his own choice; but that, by one of those ingenious arrangements, one of those incidents which among jurists is described as the favor the vigilant receives from the law, it so happened that, in certain States, the delegates were instructed to vote as a unit; in other States they were not; so that, wherever they were instructed to vote as a unit, the vote must so be cast; and wherever they were not, they might disintegrate. Thus minorities were bound in one instance and released in another; and by a comparison made by those who had an opportunity to know, it appears that the minority report could not have got a majority of the delegates, if each delegate had been permitted to cast his own vote in the convention. Neither could it have obtained, as appears by the action of the committee, a majority of the States, if they had spoken as such. So that this vaunt as to the effect of the adoption of the platform by a majority seems to have very little of substance in it. Again, I find that, after this adoption of a platform, a delegate from Tennessee offered a resolution—

"That all citizens of the United States have an equal right to settle, with their property, in the Territories of the United States; and that, under the decision of the Supreme Court of the United States, which we recognize as a correct exposition of the Constitution of the United States, neither their rights of person or property can be destroyed or impaired by congressional or territorial legislation."

It does not appear that a vote was taken on it. There is a current belief that it would have been adopted. If it had been, it would have been an acknowledgment by the Democracy, in convention assembled, that the question had been settled by the decisions of the Supreme Court. But in the progress of the convention, when they came to balloting, it appears, by an analysis of the vote for candidates, that the Senator from Illinois received from seventeen undoubted Democratic States of the Union, casting one hundred and twenty-seven electoral votes, but eleven votes. It is not such a great triumph, then, in the Democratic view, as is claimed. It does not suffice to add up the number of votes where they do not avail. It is not fair to bring the votes of Vermont, where I believe nobody expects we shall be successful, and count them for a particular candidate. The electoral votes, and these alone, tell upon the result; and it appears that in those States which have been counted certain to cast their electoral votes for the candidate who might have been nominated at that convention, the Senator received but eleven. This is but meager claim to bind us to his ear as the successful champion of the majority. This is but small basis for the boast that his hopes were gratified; that he would not receive the nomination, unless sustained by a majority of the party, and that his opinions had received the indorsement of the Democracy.

My devotion to the party is life-long. If the assertion be allowable, it may be said that I inherited my political principles. I derive them from a revolutionary father—one of the earnest friends of Mr. Jefferson, who, after the Revolution which achieved our independence, bore his full part in the civil revolution of 1800, which emancipated us from Federal usurpation and consolidation. I therefore have all that devotion to party which belongs to habitual reverence and confidence. But, sir, that devotion to party rests on the assumption that it is to maintain sound principles; that it is to strive hereafter, as heretofore, to carry out the great cardinal creed in which the Democratic party was founded. When the resolutions of 1798 and 1799 are discarded; when we fly from the extreme of monarchy to land in the danger to Republics—anarchy, and the Democratic party says its arm is paralyzed, cannot be raised to maintain constitutional rights, my devotion to its organization is at an end. It fails thenceforward in the purposes for which it was established; and if there be a constitutional party in the land which, in the language of Mr. Jefferson, would find in the vigor of the Federal Government the best hope for our liberty and security, to that party I should attach myself whenever that sad contingency

The resolutions of 1798 and 1799, though directed against usurpation, were equally directed against the dangers of anarchy. Their principles are alike applicable to both. Their cardinal creed was a Federal Government according to the grants conferred upon it, and these righteously administered. It is not fair to the men who taught us the lessons of Democracy, that they should be held responsible for a theory which leaves the Federal Government, as one who has abdicated all authority, to stand at the mercy of local usurpations. Least of all does their teaching maintain that this Government has no power over the Territories; that this Government has no obligation to protect the right of person and property in the Territories; for among the first acts under the Constitution was one which both asserted and exercised the power.

After the adoption of the Constitution, in 1789, an act was passed, to which reference is frequently made as being a confirmation of the ordinance of 1787; and this has been repeated so often that it has received general belief. There was a constitutional provision which required all obligations and engage-

ments under the Confederation to hold good under the Constitution. If there was an obligation or an engagement growing out of the ordinance of 1787, out of the deed of cession by Virginia, it was transmitted to the Government established under the Constitution; but that Congress under the Constitution gave it no vitality, that they added no force to it, is apparent from the fact which is so often relied upon as authority. It was in view of this fact, in full remembrance of this and of other facts connected with it, that Mr. Madison said, in relation to passing regulations for the Territories, that "Congress did not regard the interdiction of slavery among the needful regulations contemplated by the Constitution, since, in none of the territorial governments created by them, was such an interdict found." I am aware that Justice McLean has viewed this as a historical error of Mr. Madison. I shall not assume to decide between such high authorities. The act is as follows:

An act to provide for the government of the Territory northwest of the Ohio river.

Whereas, in order that the ordinance of the United States in Congress assembled for the government of the Territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That in all cases in which, by the said ordinance, any information is to be given, or communication made, by the Governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication, to the President of the United States; and the President shall nominate. and, by and with the advice and consent of the Senate, shall appoint, all officers which, by the said ordinance, were to have been appointed by the United States in Congress assembled; and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, make any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. And be it further enacted, That in the case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers and perform all the duties of the Governor during the vacancy

occasioned by the removal, resignation, or necessary absence of the said Governor.

Approved August 7, 1789.

All that is to be found in this act which favors the supposition, and frequent assertion, that under the Constitution the ordinance of 1787 was ratified and confirmed, is to be found in the preamble; and that preamble so vaguely alludes to it that the idea is refuted by reference to an act which followed soon afterwards—the act of 1793—from which I will read a single section:

"Sec. 3. And be it further enacted, That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said States or Territories, the person to whom such service or labor may be due, his agent, or attorney, is hereby empowered to seize or arrest such fugitive from labor," &c.

Is it not apparent that when the Congress legislated in 1793, they recognized the existence of slavery, and protected that kind of property in the Territory northwest of the river Ohio? and is it not conclusive that they did not intend, by the act of 1789, to confirm, ratify, and give effect to the ordinance of 1787, which would have excluded it?

This doctrine of protection, then, is not new. It goes back to the foundation of the Government. It is traceable down through all the early controversies; and they arose at least as early as 1790. It is found in the messages of Mr. Jefferson and Mr. Madison, and in the legislation of Congress; and also in the messages of the elder Adams. There was not one of the first four Presidents of the United States who did not recognize this obligation of protection, who did not assert this power on the part of the Federal Government; and not one of them ever attempted to pervert it to a power to destroy. If division in the Democratic party is to arise now, because of this doctrine, it is not from the change by those who assert it, but of those who deny it. It is not from the introduction of a new feature in the theory of our Government, but from the denial of that which was recognized in its very beginning.

As I understood the main argument of the Senator, it was based upon the general postulate that the Democratic convention of 1848 recognized a new doctrine—a doctrine which inhibited the General Government from interfering in any way, either for the protection of property or otherwise, with the local affairs of

a Territory; he held the party responsible for all the opinions entertained by the candidate in 1848, because the party had nominated him; and he quoted the record to show what States, by voting for him, had committed themselves to the doctrine of the "Nicholson letter." He even quoted South Carolina, represented by that man who became famous for a single act, and, as South Carolinians said, without authority at home to sustain it. But this was cited as pledging the faith of South Carolina to the doctrine of the "Nicholson letter;" and, worse than all, the Senator did this, though he knew that the doctrine of the "Nicholson letter" was the subject of controversy for years subsequently; that what was the true construction of that letter entered into the canvass in the southern States: that the construction which Mr. Cass himself placed upon it at a subsequent period was there denied; and the Senator might have remembered, if he had chosen to recollect so unimportant a thing, that I once had to explain to him, ten years ago, the fact that I repudiated the doctrine of that letter at the time it was published; and that the Democracy of Mississippi had well-nigh crucified me for the construction which I placed upon it; there were men mean enough to suspect that the construction I gave to the Nicholson letter was prompted by the confidence and affection I felt for General Taylor. At a subsequent period, however, Mr. Cass thoroughly reviewed it. He uttered, for him, very harsh language against all who had doubted the true construction of his letter, and he construed it just as I had done during the canvass of 1848. It remains only to add, that I supported Mr. Cass, not because of the doctrine of the Nicholson letter, but in despite of it; because I believed a Democratic President, with a Democratic Cabinet, and Democratic counselors in the two Houses of Congress, and he as honest a man as I believed Mr. Cass to be, would be a safer reliance than his opponent, who personally possessed my confidence as much as any man living, but who was of, and must draw his advisers from, a party, the tenets of which I believed to be opposed to the interests of the country, as they were to all my political convictions.

I little thought at that time that my advocacy of Mr. Cass upon such grounds as these, or his support by the State of which I am a citizen, would at any future day be quoted as an indorsement of the opinions contained in the Nicholson letter, as those opinions were afterwards defined. But it is not only upon this letter, but equally upon the resolutions of the convention as constructive of that letter, that he rested his argument. I will here say to the Senator that if, at any time, I do him the least in-

justice, speaking as I do from such notes as I could take while he progressed, I will thank him to correct me.

But this letter entered into the canvass; there was a doubt about its construction; there were men who asserted that they had positive authority for saying that it meant that the people of a Territory could only exclude slavery when the Territory should form a constitution and be admitted as a State. This doubt continued to hang over the construction, and it was that doubt alone which secured Mr. Cass the vote of Mississippi. If the true construction had been certainly known, he would have had no chance to get it. Our majority went down from thousands to hundreds, as it was. In Alabama the decrease was greater. It was not that the doctrine was countenanced; but the doubt as to the true meaning of the letter, and the constantly reiterated assertion that it only meant the Territories when they should be admitted as States, enabled him to carry those States.

But if I mistook the Senator there, I think probably I did not on another point: that he claimed the support of certain southern men for Mr. Richardson as Speaker of the House to be by them an acknowledgment of the doctrine of squatter sovereignty.

I suppose those southern men who voted for Mr. Richardson voted for him as I did for Mr. Cass, in dispite of his opinions on that question, because they preferred Mr. Richardson to Mr. Banks, even with squatter sovereignty. They considered that the latter was carrying an amount of heresies which greatly exceeded the value of squatter sovereignty. It was a choice of evils—not an indorsement of his opinions. Neither did they this year indorse the opinions on that point of Mr. McClernand, when they voted for him. According to the Senator's argument, I could show him that Illinois was committed to the doctrine of Federal protection to property in the Territories and the remedy of secession as a State right; committed irrevocably, unmistakably, with no right to plead any ignorance of the political creed of the individual, or the meaning of his words.

In 1852—I refer to it with pride—Illinois did me the honor to vote consistently for me for the Vice Presidency up to the time of adjournment; though in 1850 and in 1851 I had done all these acts which have been spoken of, and the Senator has admitted my consistency in opinions which were avowed with at least such perspicuity as left nobody in doubt as to my position. Did Illinois then adopt my theory of protection in the Territories, or of the right of State secession? No, sir. I hold them to no such consequences. Some of the old inhabitants of Illinois may have remembered me when their northern frontier was a wilder-

ness, when they and I had kind relations in the face of hostile Indians. Some of them may have remembered me, and, I believe, kindly, as associated with them at a later period on the fields of Mexico. The Senator himself, I know, remembered kindly his association with me in the Halls of Congress. It was these bonds which gave me the confidence of the State of Illinois. I never misconstrued it. I never pretended to put them in the attitude of adopting all my opinions-never required it, never desired it, save as in so far as wishing all men would agree with me, confidently believing my position to be true. At a later period, and when these questions were more important in the public mind, when public attention had been more directed to them, when public opinion had been more matured, at the very time when the Senator claims that his doctrine culminated, the State of Illinois voted for a gentleman for Vice President, at Cincinnati, who held the same opinions with myself; or, if there was a difference, held them to a greater extreme—I mean General Quitman.

Mr. DOUGLAS. We made no test on any one.

Mr. DAVIS. Then, how did the South become responsible for the doctrine of General Cass, by consenting to his nomination in 1848, and supporting his election? But at a later period, down to the present session, what is the position in which the Senator places his friends—those sterling Democrats, uncompromising anti-Know Nothings; men who give no quarter to the American party, and yet who voted this year for Mr. Smith, of North Carolina, to be Speaker of the House of Representatives? Is the Senator answered? Does he not see that there is no justice in assuming a vote for an individual to be the entire adoption of his opinions?

He cited, in this connection, a resolution of 1848, as having been framed to cover the doctrines of the Nicholson letter; and he claimed thus to have shown that the convention not only understood it, but adopted it, and made it the party creed, and that we were bound to it from that period forward. He even had that resolution of 1848 read, in order that there should be, at no future time, any question as to the principle which the party then avowed; that it should be fixed as a starting point in all the future progress of Democracy. I was surprised at the importance the Senator attached to that resolution of 1848, because it was not new. It was not framed to meet the opinions of the Nicholson letter, but came down from a period as remote as 1840; was copied into the platform of 1844, and again into that of 1848, being the expression which the condition of the

country in 1840 had induced—a declaration of opinion growing out of the agitation in the two Houses of Congress at that day, and the fearful strides which anti-slavery was making, and which Mr. Calhoun had labored to check by the declaration of constitutional truths, as set forth in his Senate resolutions of 1837-38.

That there may be no mistake on this point, and particularly as the Senator attached special importance to it, I will turn to the platform of 1840, and read from it, so that it shall be found to be—

Mr. DOUGLAS. It is conceded.

Mr. DAVIS. The Senator concedes the fact that the resolution of 1848 was a copy of that of 1840; and with the concession falls his argument. The platforms of 1840 and 1844 were reaffirmed in 1848; and, consequently, the resolution of 1848, being identical with that of 1840, was not a construction of the letter written in 1847.

True to its instincts and to its practices, the Democratic party, from time to time, continued to add to their "platform" whatever was needful for action by the Government in the condition of the country. Thus, in 1844, they reasserted the platform of 1840; and they added thereto, because of a question then pending, that—

"The reannexation of Texas at the earliest practicable period is a great American measure, which the convention recommend to the cordial support of the Democracy of the Union."

In 1848 they readopted the resolutions of 1844; and were not a little laughed at for keeping up the question of Texas after it had been annexed. In 1852 a new question had arisen; the measures of 1850 had presented with great force to the public mind the necessity for some expression of opinion upon the disturbing questions which the measures of 1850 had been designed to quiet. Therefore, in 1852, the party, true to its obligation to announce its principles and to meet issues as they arise, said:

"Resolved, That the foregoing proposition [referring to the resolution of 1848] covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the act known as the compromise measure, settled by the last Congress, the act for reclaiming fugitives from labor included; which act, being designed to carry out an express provision of

the Constitution, cannot, with fidelity thereto, be repealed or so

changed as to destroy or impair its efficiency.

"Resolved, That the Democratic party will restrain all attempts at renewing, in ('ongress or out of it, the agitation of the slave question, under whatever shape or color the attempt may be made."

This was the addition made in 1852, and it was made because of the agitation which then prevailed through the country against the fugitive slave act, and it was because the fugitive slave act, and that alone, was assailed, and the Democratic convention met the issue on that measure specifically; and for the same reason it received the approbation of the southern States. Had this been considered as the indorsement of the slave-trade bill for the District of Columbia, it would not have received their approval. The agitation was in relation to recovering fugitive slaves, and the Democratic party boldly and truly met the living issue, and declared its position upon it.

In 1856 other questions had arisen. It was necessary to meet them. The convention did meet them, and met them in a manner which was satisfactory, because it was believed to be full. I will not weary the Senate by reading the resolutions of 1856; they are familiar to everybody. I only quote a portion of them:

"The American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying the only sound and safe solution of the 'slavery question' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—non-interference by Congress with slavery in State and Territory, or in the District of Columbia.

"That, by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of this Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a republican form of government."

Pray, what can this mean? Squatter sovereignty? Incapacity of the Federal Government to enact any law for the protection of slave property anywhere? Could that be, in the face of

a struggle that we were constantly carrying on against the opponents of the fugitive slave law? Could that be, in the face of the fact that a majority had trodden down our constitutional rights in the District of Columbia, by legislating in relation to that particular character of property, and that they had failed to redeem a promise they had sacredly made to pass a law for the protection of slave property, so as to punish any one who should seduce, or entice, or abduct it from an owner in this District?

With all these things fresh in mind, what did they mean? They meant that Congress should not decide the question whether that institution should exist within a Territory or not. They did not mean to withdraw from the inhabitants of the District of Columbia that protection to which they were entitled, and which is almost annually given by legislation; and yet States and Territories and the District of Columbia are all grouped together, as the points upon which this idea rests, and to which it is directed. It meant that Congress was not to legislate to interfere with the rights of property anywhere; not to attempt to decide what should be the institutions maintained anywhere; but surely not to disclaim the right to protect property, whether on sea or on land, wherever the Federal Government had jurisdiction and power. But some stress has been laid upon the resolution, which says that this principle should be applied to

"The organization of the Territories, and to the admission of new States, with or without domestic slavery, as they may elect."

What does "may elect" mean? Does it refer to organization of the Territory? Who may elect? Congress organizes the Territories. Did it mean that the Territories were to elect? It does not say so. What does it say?

"That by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect."

And here it met a question which had disturbed the peace of the country and well nigh destroyed the Union—the right of a State holding slaves to be admitted into the Union. It was declared here that the State so admitted should elect whether it would or would not have slaves. There is nothing in that which logically applies to the organization of a Territory. But if this be in doubt, let us come to the last resolution, which says: "We recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents"—

Does it stop there? No-

"and whenever the number of their inhabitants justifies it, to form a constitution with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States."

If there had been any doubt before as to what "may elect" referred to, this resolution certainly removed it. It is clear they meant that when a Territory had a sufficient number of inhabitants, and came to form a constitution, then it might decide the question as it pleased. From that doctrine, I know no Democrat who now dissents.

I have thus, because of the assertion that this was a new idea, attempted to be interjected into the Demogratic creed, gone over some portion of its history. Important by its connection with the existing agitation, and last in the series, is an act with the ushering in of which the Senator is more familiar than myself, and on which he made remarks, to which, it is probable, some of those who acted with him will reply. I wish merely to say, in relation to the Kansas-Nebraska act, that there are expressions in it which seem to me not of doubtful meaning, such as, "in all cases involving title to slaves, or involving the question of personal freedom," there should be a trial before the courts, and without reference to the amount involved, an appeal to the supreme court of the Territory, and from thence to the Supreme Court of the United States. If there was no right of property there; if we had no right to recognize it there; if some sovereign was to determine whether it existed or not, why did we say that the Supreme Court of the United States, in the last resort, should decide the question? If it was an admitted thing, by that bill, that the Territorial Legislature should decide it, why did we provide for taking the case to the Supreme Court? If it had been believed then, as it is asserted now, that a Territory possessed all the power of a State; that the inhabitants of a Territory could meet in convention, and decide the question as the people of a State might do, there was nothing to be carried to the Supreme Court. You cannot appeal from the decision of a constitutional convention of a State to the Supreme Court of the United States to decide whether slave property shall be prohibited or admitted within the limits of a State; and if they rest on the same footing, what is the meaning of that clause of the bill?

But this organic law further provides, just as the resolution of the convention had done, that when a legal majority of the residents of either Territory formed a constitution, then, at their will, they might recognize or exclude slavery, and come into the Union as coequal States. This fixes the period, defines the time at which the territorial inhabitants may perform this act, and clearly forbids the idea that it was intended, by those who enacted the law, to acknowledge that power to be existent in the inhabitants of a Territory during their territorial condition. If I am mistaken in this, if there was a cotemporaneous construction of it differing from this, the Senators who sit around me, and who were then members of the body, will not fail to remember it.

The Senator asserts that, in relation to this point, those who acted with him have changed, and claims for himself to have been consistent. If this be so, it proves nothing as to the present, and only individual opinions as to the past. I do not regard consistency as a very high virtue; neither, it appears, does he; for he told us that if it could be shown to him that he was in error on any point, he would change his opinion. How could that be? Who would undertake to show the Senator that he was in error? Who would undertake to measure the altitude of the Colossus who bestrides the world, and announces for, and of, and by himself, "We the Democracy," as though, in his person, all that remained of the party was now concentrated? Other men are permitted to change, because other men may be mistaken; and if they are honest, when convicted of their error, they must change; but how can one expect to convince the Senator, who, where all is change, stands changeless still?

In the course of his reply to me—if indeed it may be called such, it seemed to be rather a review of everything except what I had said—he set me the bad example of going into the canvass in my own State. It is the first, I trust it will be the last, time I shall follow his example; and now only to the extent of the occasion, where criticism was invited by unusual publicity. In the canvass which the Senator had with his opponent, Mr. Lincoln, and the debates of which have been published in a book, we find much which, if it be consistent with his course as I had known it, only proves to me how little able I was to understand his meaning in former times.

The Kansas-Nebraska bill having agreed the right for which I contend to be the subject of judicial decision; it having specially

provided the mode and facilitated the process by which that right should be brought to the courts and finally decided; not allowing any check to be interposed because of amount, that bill having continued the provision which had been introduced into the New Mexico bill, how are we to understand the Senator's declarations, that, let the Supreme Court decide as they may, the inhabitants of a Territory may lawfully admit or exclude slavery as they please? What a hollow promise was given to us in the provision referring this vexed question to judicial decision, in order that we might reach a point on which we might peacefully rest, if the inhabitants of the Territories for which Congress had legislated could still decide the question and set aside any decision of the Supreme Court, and do this lawfully! I ask, was it not to give us a stone, when he promised us bread; to incorporate a provision in the organic act securing the right of appeal to the courts, if, as now stated, those courts were known to be powerless to grant a remedy?

Here there is a very broad distinction to be drawn between the power of the inhabitants of a Territory, or of any local community, lawfully to do a thing and forcibly to do it. If the Senator had said that, whatever might be the decision of the Supreme Court, whatever might be the laws of Congress, whatever might be the laws of the Territories, in the face of an infuriated mob, such as he described on another occasion, it would be impossible for a man to hold a slave against their will, he would but have avowed the truism that in our country the law waits upon public opinion. But he says that they can do it lawfully. If his position had been such as I have just stated, it would have struck me as the opinion I had always supposed him to entertain. More than that, it would have struck me as the opinion which no one could gainsay; which at any time I would have been ready to admit. Nothing is more clear than that no law could prevail in our country, where force as a governmental mean is almost unknown, against a pervading sentiment in the community. Everybody admits that; and it was in that view of the case that this question has been so often declared to be a mere abstraction. It is an abstraction so far as any one would expect in security to hold against the fixed purpose and all pervading will of the community, whether territorial or other, a species of property, ambulatory, liable, because it has mind enough to go, to be enticed away whenever freed from physical restraint, and which would be nearly valueless if so restrained. It may be an abstraction as a practical question of pecuniary advantage, but it is not the less dear to those who assert the constitutional right.

It would constitute a very good reason why no one should ever say there was an attempt to force slavery on an unwilling people, but no reason why the right should not be recognized by the Federal Government as one belonging to the equal privileges and immunities of every citizen of the United States.

But the main point of the Senator's argument, and it deserved to be so, because it is the main question now in the public mind, was, what is the meaning of non-intervention? He defined it to be synonymous with squatter sovereignty, or with popular sovereignty. . . .

The Senator and myself do not seem to be getting any nearer together: because the very thing which he describes constitutes the only case in which I would admit the necessity, and, consequently, the propriety of the people acting without authority. If men were cast upon a desert island, the sovereignty of which was unknown, over which no jurisdiction was exercised, they would find themselves necessitated to establish rules which should subsist between themselves; and so the people of California, when the Congress failed to give them a government; when it refused to enact a territorial law; when, paralyzed by the power of contending factions, it left the immigrants to work their own unhappy way, they had a right—a right growing out of the necessity of the case—to make rules for the government of their local affairs. But this was not sovereignty. It was the exercise between man and man, a social function necessary to preserve peace in the absence of any controlling power; essential to conserve the relations of person and property. The sovereignty, if it existed in any organization or Government of the world, remained there still; and whenever that sovereignty extended itself over them, whether shipwrecked mariners or adventurous Americans; whether cast off by the sea, or whether finding their weary way across the desert plains which lie west of the Mississippi; whenever the hand of the Government holding sovereign jurisdiction was laid upon them, they became subject; their sovereign control of their own affairs ceased. In our case, the directing hand of the Government is laid upon them at the moment of the enactment of an organic law. Therefore, the very point at which the Senator begins his sovereignty is the point at which the necessity and, in my view, the claim, ceases.

But suppose that a Territorial Legislature, acting under an organic law not defining their municipal powers further than has been general in such laws, should pass a law to exclude slave property: would the Senator vote to repeal it?

Mr. DOUGLAS. I will answer. I would not, because the

Democratic party is pledged to non-intervention; because, furthermore, whether such an act is constitutional or not is a judicial question. If it is unconstitutional, the court will so decide; and it will be null and void without repeal. If it is constitutional, the people have the right to pass it. If unconstitutional, it is void, and the court will ascertain the fact; and we pledged our honors to abide the decision. . . .

Mr. DAVIS. If it will not embarrass the Senator, I would ask him if, as chief Executive of the United States, he would sign a bill to protect slave property in State, Territory, or District of Columbia—an act of Congress?

Mr. DOUGLAS. It will be time enough for me, or any other man, to say what bills he will sign, when he is in a position to

exercise the power.

Mr. DAVIS. The Senator has a right to make me that answer. I was only leading on to a fair understanding of the Senator

and myself about non-intervention. . . .

I think it now appears that, in the minds of the gentleman, non-intervention is a shadowy, unsubstantial doctrine, which has its application according to the circumstances of the case. It ceased to apply when it was necessary to annul an act in Kansas in relation to the political rights of the inhabitants. It had no application when it was necessary to declare that the old French laws should not be revived in the Territory of Kansas after the repeal of the Missouri compromise; but it rose an insurmountable barrier, when we proposed to sweep away the Mexican decrees, usages, or laws, and leave the Constitution and laws of the United States unfettered in their operation in the territory acquired from Mexico. It thus seems to have a constantly varying application; and as I have not yet reached a good definition, one which quite satisfies me, I must take it as I find it in the Senator's speech, in which he says Alabama asserted the doctrine of non-intervention in 1856. The Alabama resolutions of 1856 asserted the right to protection, and the duty of the Federal Government to give it. So, if he stands upon the resolutions of Alabama in 1856, non-intervention is very good doctrine, and exactly agrees with what I believe—no assumption by the Federal Government of any power over the municipal territorial governments which is not necessary; that the hand of Federal power shall be laid as lightly as possible upon any territorial community; that its laws shall be limited to the necessities of each case; that it shall leave the inhabitants as unfettered in the determination of their local legislation as the rights of the people of the States will permit and the duty of the General Government will allow. But when non-intervention is pressed to the point of depriving the arm of the Federal Government of its one great function of protection, then it is the doctrine which we denounce, which we call squatter sovereignty; the renunciation by Congress, and the turning over to the inhabitants a sovereignty which rightfully it does not belong to the one to grant or the other to claim, and further and worse thus to divest the Federal Government of a duty which the Constitution requires it to perform.

To show that this view is not new, that it does not rest singly on the resolutions of Alabama, I will refer to a subject, the action upon which has already been quoted in this debate—the Oregon bill. During the discussion of the Oregon bill, I offered, in the Senate, June 23, 1848, an amendment, which I will read:

"Provided, That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory whilst it remains in the condition of a Territory of the United States."

Upon this I will cite the authority of Mr. Calhoun in his speech on the Oregon bill, June 27, 1848:

"The twelfth section of this bill is intended to assert and maintain this demand of the non-slaveholding States, while it remain a Territory, not openly or directly, but indirectly, by extending the provisions of the bill for the establishment of the Iowa Territory to this, and by ratifying the acts of the informal and self-constituted government of Oregon, which, among others, contains one prohibiting the introduction of slavery. It thus, in reality, adopts what is called the Wilmot proviso, not only for Oregon, but, as the bill now stands, for New Mexico and California. The amendment, on the contrary, moved by the Senator from Mississippi near me, [Mr. Davis,] is intended to assert and maintain the position of the slaveholding States. It leaves the Territory free and open to all the citizens of the United States, and would overrule, if adopted, the act of the self-constituted Territory of Oregon and the twelfth section, as far as it relates to the subject under consideration. We have thus fairly presented the grounds taken by the non-slaveholding and the slaveholding States, or, as I shall call them for the sake of brevity, the northern and southern States, in their whole extent, for discussion."-Appendix to Congressional Globe, Thirtieth Congress, first session, p. 868.

I will quote also one of the speeches which he made near the close of his life, at a time when he was so far wasted by disease

that it was necessary for him to ask the Senator from Virginia, who sits before me, [Mr. Mason,] to read the speech which his tameless spirit impelled him to compose, but which he was physically unable to deliver; and once again he came to the Senate Chamber when standing yet more nearly on the confines of death. He rose, his heart failing in its functions, his voice faltered, but his will was so strong that he could not realize that the icy hand was upon him; and he erroneously thought he was oppressed by the weight of his overcoat. True to his devotion to the principles he had always advocated, clinging in the last hour of his life to the duty to maintain the rights of his constituents, still he was here, and his honored, though feeble, voice was raised for the maintenance of the great principles to which his life had been devoted. From the speech I read as follows:

"The plan of the Administration cannot save the Union, because it can have no effect whatever towards satisfying the States composing the southern section of the Union that they can, consistently with safety and honor, remain in the Union. It is, in fact, but a modification of the Wilmot proviso. It proposes to effect the same object—to exclude the South from all territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot proviso, and has committed itself, by solemn resolutions, to resist, should it be adopted. Its opposition is not to the name, but that which it proposes to effect. That the southern States hold to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy irretrievably the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the executive proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object; and in that respect I must say that the latter is much the least objectionable. It goes to its object openly, boldly, and distinctly. It claims for Congress unlimited power over the Territories, and proposes to assert it over the Territories acquired from Mexico, by a positive prohibition of slavery. Not so the executive proviso. It takes an indirect course; and in order to elude the Wilmot proviso, and thereby avoid encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the Territories, and claims the right as belonging exclusively to the inhabitants of the Territories. But to effect the object of excluding the South, it takes care, in the meantime, to let in emigrants freely from the northern States and all other quarters, except from the South, which it takes special care to exclude by holding up to them the danger of having their slaves liberated under the Mexican laws. The necessary consequence is to exclude the

South from the Territory, just as effectually as would the Wilmot proviso. The only difference in this respect is, that what one proposes to effect directly and openly, the other proposes

to effect indirectly and covertly.

"But the executive proviso is more objectionable than the Wilmot in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the Constitution, by depriving the southern States, as joint partners and owners of the Territories, of their rights in them; but it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and, if possible, greater,

as I shall next proceed to explain.

"In claiming the right for the inhabitants, instead of Congress, to legislate for the Territories, the executive proviso assumes that the sovereignty over the Territories is vested in the former, or, to express it in the language used in a resolution offered by one of the Senators from Texas, [General Houston, now absent,] they 'have the same inherent right of self-government as the people in the States.' The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the Government, from its commencement to the present time, as I shall proceed to show."—Calhoun's Works, vol. 4, p. 562.

I find that I must abridge by abstaining from the reading of extracts. When this question arose in 1820, Nathaniel Macon, by many considered the wisest man of his day, held the proposed interference to be unauthorized and innovative. In arguing against the Missouri compromise, as it was called—the attempt by Congress to prescribe where slaves might or might not be held—the exercise by the Federal Government, north of a certain point, of usurped power by an act of inhibition, Mr. Macon said our true policy was that which had thus far guided the country in safety—the policy of non-intervention. By non-intervention he meant the absence of hostile legislation, not the absence of governmental protection. Our doctrine on this point is not new, but that of our opponents is so.

The Senator from Illinois assumes that the congressional acts of 1850 meant no legislation in relation to slave property; while in the face of that declaration stand the laws enacted in that year, and the promise of another which has not been enacted—laws directed to the question of slavery and slave property; one even declaring in certain contingencies, as a penalty on the owner, the emancipation of his slave in the District of Columbia. If no action upon the question was the prevailing opinion, what

does the legislation mean? Was it non-action in the District of Columbia? Be it remembered, the resolution of the Cincinnati platform says, "non-interference by Congress with slavery in State and Territory, or in the District of Columbia." They

are all upon the same footing.

Again, he said that the Badger amendment was a declaration of no protection to slave property. The Badger amendment declares that the repeal of the Missouri compromise shall not revive the laws or usages which preëxisted that compromise; and the history of the times, so far as I understand it, is, that it intended to assure those gentlemen who feared that the laws of France would be revived in the Territories of Kansas and Nebraska by the repeal of the act of 1820, and that they would be held responsible for having, by congressional act, established slavery. The southern men did not desire Congress to establish slavery. It has been our uniform declaration that we denied the power of the Federal Government either to establish or prohibit it; that we claimed for it protection as property, recognized by the Constitution, and we claimed the right for it, as property, to go, and to receive Federal protection wherever the jurisdiction of the United States is exclusive. We claim that the Constitution of the United States, in recognizing this property, making it the basis of representation, put it not upon the footing which it holds between foreign nations, but upon the basis of the compact or union of the States; that under the delegated grant to regulate commerce between the States, it did not belong to a State; therefore, without breach of contract, they cannot, by any regulation, prohibit transit; and the compact provided that they should not change the character of master and slave in the case of a fugitive. Could Congress surrender for the States and their citizens the claim and protection for those or other constitutional rights against invasion by a State? If not, surely it cannot be done in the case of a Territory, a possession of the States. The word "protecting" in that amendment referred to laws which preëxisted; laws which it was not designed by the Democrats to revive when they declared the repeal of the Missouri compromise, and therefore I think did not affect the question of constitutional right and of Federal power and duty.

In all these territorial bills we have the language "subject to the Constitution;" that is to say, that the inhabitants are to manage their local affairs in their own way, subject to the Constitution; which, I suppose, might be rendered thus: "in their own way, provided their own way shall be somebody else's way;" for "subject to the Constitution" means in accordance with an instrument with which the territorial inhabitants had nothing to do; with the construction of which they were not concerned: in the adoption of which they had no part, and in relation to which it has sometimes been questioned whether they had any responsibility. My own views, as the Senator is aware, from previous discussions—and it is needless to repeat—are, that the Constitution is coextensive with the United States; that the designation includes the Territories; that they are necessarily subject to the Constitution. But if they be subject to the Constitution, and subject to the organic act, that is the language used: that organic act being the law of Congress, that Constitution being the compact of the States—the territorial inhabitants having no lot or part in one or the other, save as they are imposed upon them-where is their claim to sovereignty? Where is their right to do as they please? The States have a compact, and the agent of the States gives to the Territories a species of constitution in the organic act which endures and binds them until they throw off what the Senator on another occasion termed the minority condition, and assume the majority condition as a State. The remark to which I refer was on the bill to admit Iowa and Florida into the Union. The Senator then said:

"The father may bind the son during his minority, but the moment that he (the son) attains his majority, his fetters are severed, and he is free to regulate his own conduct. So, sir, with the Territories; they are subject to the jurisdiction and control of Congress during infancy, their minority; but when they attain their majority, and obtain admission into the Union, they are free from all restraints and restrictions, except such as the Constitution of the United States imposes upon each and all of the States."

This was the doctrine of territorial sovereignty—perhaps that is the phrase—at that period. At a later period, in March, 1856, the Senator said:

"The sovereignty of a Territory remains in abeyance, suspended in the United States in trust for the people, until they shall be admitted into the Union as a State. In the meantime, they are admitted to enjoy and exercise all the rights and privileges of self-government, in subordination to the Constitution of the United States, and in obedience to the organic law passed by Congress in pursuance of that instrument."

If it be admitted—and I believe there is no issue between the Senator and myself on that point—that the Congress of the United States have no right to pass a law excluding slaves from a Territory, or determining in the Territory the relation of master and slave, of parent and child, of guardian and ward; that they have no right anywhere to decide what is property, but are only bound to protect such rights as preëxisted the formation of the Union—to perform such functions as are intrusted to them as the agent of the States—then how can Congress, thus fettered, confer upon a corporation of its creation—upon a Territorial Legislature, by an organic act, a power to determine what shall be property within the limits of such Territory?

But, again, if it were admitted that the territorial inhabitants did possess this sovereignty—that they had the right to do as they pleased on all subjects—then would arise the question, if they were authorized through their representatives thus to act, whence came the opposition to what was called the Lecompton constitution? How did Congress, under this state of facts, get the right to inquire whether those representatives in that case really expressed the will of the people? Still more: how did Congress get the right to decide that those representatives must submit their action to a popular vote in a manner not prescribed by the people of the Territory, however eminently it may have been advisable, convenient, and proper, in the judgment of the Congress of the United States? What revisory function had we, if they, through their representatives, had full power to act on all such subjects whatsoever?

I have necessarily, in answering the Senator, gone somewhat into the argumentum ad hominem. Though it is not entirely exhausted, I think enough has been said to show the Senate in what the difference between us consists. If it be necessary further to illustrate it, I might ask, how did he propose to annul the organic act for Utah, if the recognition by the Congress of a sufficient number of inhabitants to justify the organization of a territorial government transferred the sovereignty to the inhabitants of the Territory? If sovereignty passed by the recognition of the fact, how did he propose, by congressional act, to annul the territorial existence of Utah?

It is this confusion of ideas, it is this confounding of terms, this changing of language, this applying of new meanings to words, out of which, I think, a large portion of the dispute arises. For instance, it is claimed that President Pierce, in using the phrase "existing and incipient States," meant to include all Territories, and thus that he had bound me to a doc-

trine which precluded my strictures on what I termed squatter sovereignty. This all arises from the misuse of language. An incipient State, according to my idea, is the territorial condition at the moment it changes into that of a State. It is when the people assemble in convention to form a constitution as a State, that they are in the condition of an incipient State. Various names were applied to the Territories at an earlier Sometimes they were called "new States," because they were expected to be States; sometimes they were called "States in embryo;" and it requires a determination of the language that is employed before it is possible to arrive at any conclusion as to the differences of understanding between gentlemen. Therefore it was, and I think very properly-but not, as the Senator supposed, to catechise him-that I asked him what he meant by non-intervention, before I commenced these remarks.

In the same line of errors was the confusion which resulted in his assuming that the evils I described as growing out of his doctrine on the plains of Kansas, were a denunciation, on my part, of the bill called the Kansas-Nebraska bill. At the time that bill passed. I did not foresee all the evils which have resulted from the doctrine based upon it, but which I do not think the bill sustains. I am not willing now to turn on those who were in a position which compelled them to act, made them responsible, and to divest myself of any responsibility which belongs to any opinion I entertained. I will not seek to judge after the fact and hold the measure up against those who had to judge before. Therefore, I will frankly avow that I should have sustained that bill if I had been in the Senate; but I did not foresee or apprehend such evils as immediately grew up on the plains of Kansas. I looked then, as our fathers had looked before, to the settlement of the question of what institutions should exist there, as one to be determined by soil and climate, and by the pleasure of those who should voluntarily go into the country. Such, however, was not the case. The form of the Kansas-Nebraska bill invited to a controversy—not foreseen. I was not charging the Senator with any responsibility for it, but the variation of its terms invited contending parties to meet on the plains of Kansas, and had well nigh eventuated in civil war. The great respect which even the most lawless of those adventurers in Kansas had for the name and the laws of the United States, served, by the timely interposition of the Federal force and laws, to restrain the excited masses and prevented violence from assuming larger proportions than combats between squads of adventurers.

This brings me, in the line of rejoinder, to the meaning of the phrase, "the people of a Territory, like those of a State, should decide for themselves," &c., the language quoted against the President in the remarks of the Senator. This, it was announced, was squatter sovereignty in its broadest sense; and it was added, that the present Executive was elected to the high office he holds on that construction of the platform. Now, I do not know how it is that the Senator has the power to decide why the people voted for a candidate. I rather suppose, among the many millions who did vote, there must have been a variety of reasons, and that it is not in the power of any one man to declare what determined the result. But waiving that, is it squatter sovereignty in its broadest sense? Is it a declaration that the inhabitants of a Territory can exercise all the powers of a State? It says that, "like the people of a State," they may decide for themselves. Then how do the people of a State decide the question of what shall be property within the State? Every one knows that it is by calling a convention, and that the people, represented in convention, and forming a constitution as their fundamental law, do this. Every one knows that, under the constitutions and bills of right which prevail in the Republican States of this Union, no Legislature is invested with that power. If this be the mode which is prescribed in the States—the mode which the States must pursue—I ask you, in the name of common sense, can the language of the President be construed to mean that a Territorial Legislature may do what it is admitted the Legislature of a State cannot: or that the inhabitants of a Territory can assemble a convention, and form a fundamental law overriding the organic act, to which the Senator has already acknowledged they stand subject until they be admitted as a State?

We, of the South, I know, are arraigned, and many believe justly, for starting a new question which distracts the Democratic party. I have endeavored, therefore, to show that it is not new. I have also asserted, what I think is clear, that if it were new, but yet a constitutional right, it is not only our province, but our duty to assert it—to assert it whenever or wherever that right is controverted. It is asserted now with more force than at a former period, for the simple reason that it is now denied, to an extent which has never been known before. We do not seek, in the cant language of the day, to force slavery on an unwilling people. We know full well there is no

power to do it; and our limited observation has not yet made us acquainted with the man who was likely to have a slave forced upon him, or who could get one without paying a very high price for him. He must first have the will, and, secondly, he must put money in his purse to enable him to get one. They are too valuable among those by whom they are now owned to be forced upon anybody. Not admitting the correctness of the doctrine which the Senator promulgated in his magazine article. in relation to a local character of slave property. I recognize the laws of nature, and that emigration will follow in the lines where any species of labor may be most profitably employed; all, therefore, we have asked, in fulfillment of the original compact of our fathers, was that there should be no discrimination; that all property should be equally protected; that we should be permitted to go into every portion of the United States, save where some sovereign power has said slaves shall not be held, and to take with us our slave property in like manner as we would take any other; no more than that. For that, our Government has contended on the high seas against foreign Powers. That has entered into our negotiations, and has been recognized by every Government against whom a claim has been asserted. our property was captured on the land during the period of an invasion, Great Britain, by treaty, restored it, or paid for it. Wherever it has suffered loss on the high seas, down to a very recent period, we have received indemnity; and where we have not, it was only because the power and duty of the Federal Government were sacrificed to this miserable strife in relation to property; with the existence of which, those making the interference had no municipal connection or moral responsibility.

I do not admit that sovereignty necessarily exists in the Federal Government or in a territorial government. I deny the Senator's proposition, which is broadly laid down, of the necessity which must exist for it in the one place or the other. I hold that sovereignty exists only in a State, or in the United States in their associated capacity, to whom sovereignty may be transferred, but that their agent is incapable of receiving it, and, still more, of transferring it to territorial inhabitants.

I was sorry for some of the remarks which he thought it necessary to make, as to the position of the South on this question, and for his assertion that the resolutions of the convention of 1848 put the pro-slavery men and the Abolitionists on the same ground. I think it was altogether unjust. I did not think it quite belonged to him to make it. I was aware that his opponent, in that canvass to which I referred, had made a prophecy that he

was, sooner or later, to land in the ranks of the Republicans. Even if I had believed it, I would not have chosen—and it is

due to candor to say I do not believe-

Mr. DAVIS. Well, it is unimportant. I feel myself constrained, because I promised to do it, to refer to some portion of the joint record of the Senator and myself in 1850, or, as I have consumed so much time, I would avoid it. In that same magazine article to which I have referred, the Senator took occasion to refer to some part which I had taken in the legislation of 1850; and I must say he presented me unfairly. He put me in the attitude of one who was seeking to discriminate, and left himself in the position of one who was willing to give equal protection to all kinds of property. In that magazine article, the Senator represents Mr. Davis, of Mississippi, as having endeavored to discriminate in favor of slave property, and Mr. Chase, of Ohio, as having made a like attempt against it; and he leaves himself, by his argument, in the attitude of one who concurred with Mr. Clay in opposition to both propositions.

I offered an amendment to the compromise bill of 1850, which was to strike out the words "in respect to," and insert "and introduce or exclude," and, after the word "slavery," to insert the

following:

"Provided, That nothing herein contained shall be construed to prevent said Territorial Legislature passing such laws as may be necessary for the protection of the rights of property of any kind which may have been or may be hereafter, conformably to the Constitution and laws of the United States, held in, or introduced into, said Territory."

Mr. Chase's amendment is in these words:

"Provided further, That nothing herein contained shall be construed as authorizing or permitting the introduction of slavery, or the holding of persons as property within said Territory."

Whilst the quotation in the magazine article left me in the position already stated, the debates which had occurred between us necessarily informed the Senator that it was not my position, for I brought him in that debate to acknowledge it.

On that occasion, I argued for my amendment as an obligation of the Government to remove obstructions; to give the fair operation to constitutional right; and so far from the Senator having stood with Mr. Clay against all these propositions, the fact appears, on page 1134 of the Globe, that, upon the vote on Chase's amendment, Douglas voted for it, and Davis and Clay voted against it; that, upon the vote on Davis's amendment, Clay and Davis voted for it, and Douglas voted against it.

Mr. DOUGLAS. The Senator should add that that vote was given under the very instructions to which he referred the other day, and which are well known to the Senate, and are on the table.

Mr. DAVIS. I was aware that the Senator had voted for Mr. SEWARD's amendment, the "Wilmot proviso," under these instructions, but I receive his explanation. Mr. Berrien offered an amendment to change the provision which said there should be no legislation in respect to slavery, so as to make it read, "there shall be no legislation establishing or prohibiting African slavery." Mr. Clay voted for that: so did Mr. Davis. Mr. Douglas voted against it. Mr. Hale offered an amendment to Mr. Berrien's amendment, to add the word "allowing." Here Mr. Douglas voted for Mr. Hale's amendment, and against Dayis and Clay. Then a proposition was made to continue the Mexican laws against slavery until repealed by Congress. think I proved, at least I did to my own satisfaction, that there was no such Mexican law; that it was a decree, and that the legislation which occurred under it had never been executed. But that proposition by Mr. Baldwin, which was to continue the Mexican laws in force, was brought to a vote, and again Mr. Douglas voted for it, and Mr. Davis and Mr. Clay voted against it. When another proposition was brought forward to amend by "removing the obstructions of Mexican laws and usages to any right of person or property by the citizens of the United States in the Territories aforesaid," I do not find the Senator's name among those who voted, though by reference to the Appendix, I learned he was present immediately afterwards, by his speaking to another amendment.

Thus we find the Senator differing from me on this question, as was stated; but we do not find him concurring with Mr. Clay, as was stated; and we do not find the proposition which I introduced, and which was mentioned in the magazine article, receiving the joint opposition of himself and Mr. Clay; and yet his remarks in the Senate the other day went upon the same theory, that Mr. Clay and himself had been coöperating. Now, the fact of the case is, that they agreed in supporting the final passage of the bill, and I was against it. I was one of the few southern men who resisted, in all its stages, what was called the compromise or omnibus bill. I have consumed the time of the

Senate by this reference, made as brief as I could, on account of the remarks the Senator had made.

Coupled with this arraignment of myself, at a time when he says he had leisure to discuss the question with the Attorney General, but when there was nothing in my position certainly to provoke the revision of my course in Congress, is his like review of it in the Senate. As I understood his remarks, for I did not find them in the Congressional Globe next morning, he vaunted his own consistency and admitted mine, but claimed his to be inside and mine outside of the Democratic organization. Is it so? Will our votes on test questions sustain it? The list of yeas and navs would, on the points referred to, exhibit quite the reverse. And it strikes me, that on the recent demonstrations we have had, when the Democratic Administration was, as it were, put on its trial in relation to its policy in Kansas, the Senator's associations, rather than mine, were outside of the Democratic organization. How is it on the pending question, the declaration of great principles of political creed: the Senator's position is outside of the Senate's Democracy, and mine in it: so that I do not see with what justice he attempts that discrimination between him and me. That the difference exists, that it involves a division greater or less in Democratic ranks. is a personal regret, and I think a public misfortune. It gives me, therefore, no pleasure to dwell upon it, and is now dismissed.

Mr. President, after having for forty years been engaged in bitter controversy over a question relating to common property of the States, we have reached the point where the issue is presented in a form in which it becomes us to meet it according to existing facts; where it has ceased to be a question to be decided on the footing of authority and by reference to history. We have decided that too long had this question been disturbing the peace and endangering the Union, and it was resolved to provide for its settlement by treating it as a judicial question. Now, will it be said, after Congress provided for the adjustment of this question by the courts, and after the courts had a case brought before them, and expressed an opinion covering the controversy, that no additional latitude is to be given to the application of the decision of the court, though Congress had referred it specially to them; that it is to be treated simply and technically as a question of meum et tuum, such as might have arisen if there had been no such legislation by Congress? Surely it does not become those who have pointed us to that provision as the peace offering, as the means for final adjustment, now to

say that it meant nothing more than that the courts would go on

hereafter, as heretofore, to try questions of property.

The courts have decided the question so far as they could decide any political question. A case arose in relation to property in a slave held within a Territory where a law of Congress declared that such property should not be held. The whole case was before them; everything, except the mere technical point that the law was not enacted by a Territorial Legislature. Why, then, if we are to abide by the decision of the Supreme Court in any future case, do they maintain this controversy on the mere technical point which now divides, disturbs, distracts, destroys the efficiency and the power of the Democratic party? To the Senator, I know, as a question of property, it is a matter of no consequence. I should do him injustice if I left any one to infer that I treated his argument as one made by a man prejudiced against the character of property involved in the question. That is not his position; but I assert that he is pursuing an ignis fatuus-not a light caught from the Constitution, but a vapor which has arisen from the corrupting cesspools of sectional strife, of faction and individual rivalry. Measured by any standard of common sense, its magnitude would be too small to disturb the adjustment of the balance of our country. There can be no appeal to humanity made upon this basis. Least of all could it be made to one who, like the Senator and myself, has seen this species of property in its sparse condition on the northwestern frontier, and seen it go out without disturbing the tranquillity of the community, as it had previously existed without injury to any one, if not to the benefit of the individual who held it. He has no apprehension, he can have none, that it is to retard the political prosperity of the future States-now the Territories. He can have no apprehension that in that country, to which they never would be carried except for domestic purposes, they could ever so accumulate as to constitute a great political element. He knows, and every man who has had experience and judgment must admit, that the few who may be so carried there have nothing to fear but the climate, and that, living in that close connection which belongs to one or half a dozen of them in a family, the kindest relations which can possibly exist between master and dependent exists between these domestics and their owners.

There is a relation belonging to this species of property, unlike that of the apprentice or the hired man, which awakens whatever there is of kindness or of nobility of soul in the heart of him who owns it; this can only be alienated, obscured, or de-

stroyed, by collecting this species of property into such masses that the owner is not personally acquainted with the individuals who compose it. In the relation, however, which can exist in the northwestern Territories, the mere domestic connection of one, two, or, at most, half a dozen servants in a family, associating with the children as they grow up, attending upon age as it declines, there can be nothing against which either philanthropy or humanity can make an appeal. Not even the emancipationist could raise his voice, for this is the high road and the open gate to the condition in which the masters would, from interest, in a few years, desire the emancipation of every one who

may thus be taken to the northwestern frontier.

Mr. President, I briefly and reluctantly referred, because the subject had been introduced, to the attitude of Mississippi on a former occasion. I will now as briefly say that in 1851, and in 1860. Mississippi was, and is, ready to make every concession which it becomes her to make to the welfare and the safety of the Union. If, on a former occasion, she hoped too much from fraternity, the responsibility for her disappointment rests upon those who fail to fulfill her expectations. She still clings to the Government as our fathers formed it. She is ready to-day and to-morrow, as in her past and though brief, yet brilliant history, to maintain that Government in all its power, and to vindicate its honor with all the means she possesses. I say brilliant history; for it was in the very morning of her existence that her sons on the plains of New Orleans were announced in general orders to have been the admiration of one army and the wonder of the other. That we had a division in relation to the measures enacted in 1850, is true; that the southern rights men became the minority in the election which resulted, is true; but no figure of speech could warrant the Senator in speaking of them as subdued; as coming to him or anybody else for quarter. I deemed it offensive when it was uttered, and the scorn with which I repelled it at the instant time has only softened to contempt. Our flag was never borne from the field. We had carried it in the face of defeat, with a knowledge that defeat awaited it; but scarcely had the smoke of the battle passed away which proclaimed another victor, before the general voice admitted that the field again was ours; I have not seen a sagacious reflecting man, who was cognizant of the events as they transpired at the time, who does not say that, within two weeks after the election. our party was in a majority; and the next election which occurred showed that we possessed the State beyond controversy. How we have wielded that power it is not for me to say. I trust

others may see forbearance in our conduct—that with a determination to insist upon our constitutional rights, then and now, there is an unwavering desire to maintain the Government, and to uphold the Democratic party.

We believe now, as we have asserted on former occasions, that the best hope for the perpetuity of our institutions depends upon the cooperation, the harmony, the zealous action of the Demoeratic party. We cling to that party from conviction that its principles and its aims are those of truth and the country, as we cling to the Union for the fulfillment of the purposes for which it was formed. Whenever we shall be taught that the Democratic party is recreant to its principles; whenever we shall learn that it cannot be relied upon to maintain the great measures which constitute its vitality, I, for one, shall be ready to leave it. And so, when we declare our tenacious adherence to the Union. it is the Union of the Constitution. If the compact between the States is to be trampled into the dust; if anarchy is to be substituted for the usurpation and consolidation which threatened the Government at an earlier period; if the Union is to become powerless for the purposes for which it was established, and we are vainly to appeal to it for protection, then, sir, conscious of the rectitude of our course, the justice of our cause, self-reliant, yet humbly, confidingly trusting in the arm that guided and protected our fathers, we look beyond the confines of the Union for the maintenance of our rights. A habitual reverence and cherished affection for the Government will bind us to it longer than our interests would suggest or require; but he is a poor student of the world's history who does not understand that communities at last must yield to the dictates of their interests. That the affection, the mutual desire for the mutual good, which existed among our fathers, may be weakened in succeeding generations by the denial of right and by hostile demonstration, until the equality guaranteed but not secured within the Union may be sought for without it, must be evident to even a careless observer of our race. It is time to be up and doing. There is vet time to remove the causes of dissension and alienation which are now distracting, and have for years past divided, the country.

If the Senator correctly described me as having, at a former period, against my own preferences and opinions, acquiesced in the decision of my party; if when I had youth, when physical vigor gave promise of many days, and the future was painted in the colors of hope, I could thus surrender my own convictions, my own prejudices, and coöperate with my political

friends, according to their views, as to the best method of promoting the public good; now, when the years of my future cannot be many, and experience has sobered the hopeful tints of youth's gilding; when, approaching the evening of life, the shadows are reversed, and the mind turns retrospectively, it is not to be supposed that I would abandon lightly, or idly put on trial, the party to which I have steadily adhered. It is rather to be assumed that conservatism, which belongs to the timidity or caution of increasing years, would lead me to cling to, to be supported by, rather than to east off, the organization with which I have been so long connected. If I am driven to consider the necessity of separating myself from those old and dear relations, of discarding the accustomed support, under circumstances such as I have described, might not my friends who differ from me pause and inquire whether there is not something involved in it which calls for their careful revision?

I desire no divided flag for the Democratic party, seek not to depreciate the power of the Senator, or to take from him anything of that confidence he feels in the large army which follows his standard. I prefer that his banner should lie in its silken folds to feed the moth; but if it unrestrainedly rustles impatient to be unfurled, we, who have not invited the conflict, shrink not from the trial; we will plant our flag on every hill and plain; it shall overlook the Atlantic and welcome the sun as he rises from its dancing waters; it shall wave its adieu as he sinks to

repose in the quiet Pacific.

Our principles are national; they belong to every State of the Union; and though elections may be lost by their assertion, they constitute the only foundation on which we can maintain power, on which we can again rise to the dignity the Democracy once possessed. Does not the Senator from Illinois see, in the sectional character of the vote he received, that his opinions are not acceptable to every portion of the country? Is not the fact that the resolutions adopted by seventeen States, on which the greatest reliance must be placed for Democratic support, are in opposition to the dogma to which he still clings, a warning that if he persists, and succeeds in forcing his theory upon the Democratic party, its days are numbered? We ask only for the Constitution. We ask the Democracy only from time to time to declare, as current exigencies may indicate, what the constitution was intended to secure and provide. Our flag bears no new device. Upon its folds our principles are written in living light; all proclaiming the constitutional Union, justice, equality, and fraternity of our ocean-bound domain for a limitless future. Remarks on the relations of the states. May 17, 1860.

Mr. DAVIS. Will you describe the act?

Mr. DOUGLAS. I will describe it according to my recollection, and I think I recollect it distinctly. The act makes it unlawful to bring any slave into this District, from any State, for sale; and the penalty for the violation of the act is the forfeiture of the title—the freedom of the slave.

Mr. DAVIS. I suppose the Senator, of course, has forgotten the character of the act. That is not at all the thing, and—

Mr. DOUGLAS. I will hear the Senator's statement; and perhaps I shall accept his statement of it.

Mr. DAVIS. If it will save any time, I have no objection at all to tell him that the act is to prohibit the introduction of a slave into the District with a view to his removal and sale at some other place and time—not in the same place.

Mr. DOUGLAS. No matter. I accept it in that way. The act is that it shall be unlawful to bring a slave into this District with a view to remove him to some other place for sale. The Senator regards that as unconstitutional. He regards it as an abominable law. He told us so the other day. He expects the Supreme Court so to declare. Yet that act was one of the compromise measures of 1850; one of those measures indorsed by the Baltimore platform of 1852, when they said they indorsed and would carry out those compromise measures, the fugitive slave law included—showing that they alluded to all of them. I do not say that Senator is not a good Democrat because he denies the validity of one of the very compromise measures that formed the basis of the party in 1852, and the indorsement of which was reaffirmed at Cincinnati, and the party pledged to stand by them.

This shows that the Democratic party have not sympathized in the opinions of the Senator from Mississippi on these questions. The Democratic party does not hold that you can pass a law to divest title in slaves in this District. It does not hold that you can confiscate any property anywhere. Divesting title is one thing, and the police power of regulation is a different thing. It seems these measures were deemed constitutional by the great men who passed them, and the small men added. I do not pretend to say whether they are or not; I am not going to argue that. I do not care what your opinion is, or what is the opinion of any other Senator. You may have an opinion one way, and I another. If the courts shall decide in your favor, it

will only prove that you are a better lawyer than I am; not that you are a better Democrat. It is a difference on a point of law, not a difference in politics. I am for leaving all these questions to the courts, where the platform of the party has left them.

Mr. President, I have but a few words more to say in reply to the Senator from Mississippi. I have not attempted to follow him in all the points he has made, but merely to touch on those salient points that I thought required allusion to. The Senator from Mississippi was under the impression that I had done injustice to Mr. Yancey, by referring to a private letter which had improperly got into the newspapers, and then quoting it upon him. I will say to that Senator, that no man living has more disgust for such a mean act as using a private letter for any political purpose. If that were the state of the fact, I should not have used it. When I used Mr. Yancey's letter to Mr. Slaughter, I stated these facts, which I am sure the Senator from Mississippi did not understand, or did not hear: that Mr. Yancev had written that letter to Slaughter as a private letter, in haste, in the freedom of private confidence and friendship; that he never expected to see it published; but that after its publication, a criticism was made upon it by Mr. Prvor, of the Richmond South; and Mr. Yancey replied to Mr. Pryor; wrote to the public a communication, avowing the letter and explaining it: and I read from his explanation.

Mr. DAVIS. I did the Senator injustice in that, then.

Mr. DOUGLAS. I knew the Senator did not understand me. or he would not have made that comment. Sir, I would not have used the private letter, although I found it in the newspapers, if it had not been avowed by Mr. Yancey, and a construction given to it by himself, nor without accompanying it with that construction. It will be recollected that, in that letter of Mr. Yancey, in which he spoke of waiting and biding the time to precipitate the cotton States into revolution, he spoke of societies being formed called the Southern League, and he looked upon those societies to remedy all the evils of which the South complained. In his explanation to Mr. Prvor, he also refers to these societies, and says they form a well-matured plan for, at the proper time, carrying out a southern policy. I have a newspaper here—the Nashville Patriot of 1858—in which I find the constitution of the Southern League, which Mr. Yancey indorses as the plan he was carrying out. I will ask my friend from Ohio to read the first article of the League.

Mr. PUGH read, as follows:

"First. The members of this organization shall be known as 'The League of the South,' and our motto shall be—' Λ Southern Republic is our only safety.'"

Mr. DAVIS. I think the Senator from Illinois has demonstrated that there was more in my speech than I believed; for he has spoken a long time, and evidently has sought to evade every issue which I presented. He has either not answered at all, or he has so tortured the meaning of what I said as to raise a case not to be found when the report of what I said shall be printed. I shall not follow the Senator through his long speech. I would no more think of accepting such issues as he has presented this evening, than I would of taking down the boots of Bombastes. He may be exempt from any apprehension that I shall displace such positions as he has taken this evening, as that anybody would displace the boots of that redoubtable champion. There are one or two things, however, which he has said, that it is proper to notice.

He says the "cotton States" do not indorse the action of some of the delegates who endeavored to break up the Democratic party. His language is incautiously worded, and I am afraid the Senator has about as little authority to speak for the cotton States as he has for all the Democracy. I wish to inform him, just here, that I have known but one attempt in Mississippi to call a meeting against the action of their delegates, and that meeting has been overwhelmingly the other way. That was in

the town of Columbus.

But his great argument is upon the question of putting a new article in the creed. What is the necessity of that new article? Simply because we cannot get an honest construction of the platform as it stands. If there be a diversity of opinion, as I am willing to concede, and we cannot settle that diversity of opinion without the introduction of new language, as honest men acting together, partners in a common firm, it behooves us to say what our meaning is, that we may, for the future at least, understand each other. He asks what is this new question, and says it has not been defined. The new question is the agitation, by the Senator, of his peculiar doctrine, which has constantly run more and more into extremes, and has given an importance to this clause in the Cincinnati platform which it did not have until he thus prominently forced it upon the attention of the public.

I admire the ingenuity with which he escaped from his attitude of hostility to the Administration. It was ingenuity, however,

at the expense of other qualities more valuable; for I think the Senator at least might have remembered that he had, even at so late a period as yesterday, declared that the Federal officers in Illinois were outside of the Democratic party; thus making war, not merely upon the Executive, but upon the Federal officers in his own State. How could be expect that it would be construed as anything else than a war upon the Democratic organization?

Then he assumes that I have denied to Illinois the character of a Democratic State. I spoke of States which I believed in the next election might be safely relied on; and it was with regret that I felt—though I did not say—that Illinois was not among them, for I considered that the controversy which that Senator had waged in Illinois had divided the Democratic party; and if, when united, they could not, with a man before them who was worthy of the popularity which he possessed—and who, I believe, had as much as any other man in the State-elect him Governor at the time of the last presidential election, how could we hope that, with the Opposition reunited and the Democracy divided, we should have a power we did not then possess? Without undertaking to judge the Democracy of Illinois, I thought, though I did not say it, for I made no reference to her, if my memory serves me-did not even mention her name in that connection—but since the Senator presents it in that form, I will tell him that I thought if we could not carry the State with Richardson, though on account of the division of votes between Frémont and Fillmore we were enabled to get the electoral vote of the State in the last election, there was some doubt at least as to its position in the coming contest. I want no question with Illinois. I have many friends there, and kind feeling for the State. I have never attempted to disparage her. It is altogether unjust to say that I taunted Illinois with not being Democratic. I did not mention her name, but I turned to a pamphlet put out by members of the convention, and read from the analysis of the vote.

But the Senator asked what is this article that we want? We want nothing more than a simple declaration that negro slaves are property, and we want the recognition of the obligation of the Federal Government to protect that property like all others; that is all. I think it is exactly what we had in the earlier periods of the Government.

The Senator goes on, however, to arraign the strength of the Democratic party, and really he gives us "a beggarly account of empty boxes." The southern States on which we had relied, he tells us, are doubtful; and he continued to name one after

another, until it passed into my mind, where in the world would the Democratic candidate get his votes? It seemed to me quite apparent, from the recent elections, that if our hopes in relation to those States which he named as so very unsound were very ill founded, we must be defeated, let who will be the candidate.

But he points us to the decline of the Democratic strength in the North. Why is it? He says the platform of 1856 is all that is necessary to lead them to victory; that they have sunk in fighting our battles. Then I tell him it was because you did not throw a banner that was intelligible to the breeze. If you have been beaten on a rickety, double-construed platform, kick it to pieces, and lay one broad and strong, on which men can stand. You can but be beaten. If you have been beaten on the present platform, at least the argument goes for trying another. believe that the mind of the masses is logical: I believe the heart of the masses is just; that it is hopeless ever to maintain the position that a thing is wrong in the abstract; but you have a constitutional obligation, and you must abide by that obligation. In morals, in politics, the argument ought to be sufficient; but the minds of the masses require that you should show them that their duties are consistent with their appreciation of what is right. It resolves itself, therefore, into a question outside of the Government—resolves itself into the task of proving to the people that the requirements of the Constitution are founded in justice. When you do that, I think all difficulty will be removed; but that is only to be done by distinct declarations. If it cannot be done by declaring what the facts are, and what the obligations are arising on that state of facts, then let us cease to hope for justice.

The Senator has asked how it is that Mississippi and Alabama went for Mr. Buchanan, and cannot now go for another candidate on the same platform. They might. I think that would depend a good deal on who the candidate was. The fact is that I have a declining respect for platforms. I would sooner have an honest man on any sort of a rickety platform you could construct, than to have a man I did not trust on the best platform which could be made. A good platform and an honest man on it is what we want; but I can imagine a candidate who would be so acceptable to those States as to secure their vote even on a platform of which they disapproved.

As to what the convention did, that is a matter now of history; and it remains for others to decide what they have done, and what they are going to do. I shall not enter into it. But the Senator announced that the caucus chamber attempted to

force a platform on the party. Was the Senator by any possibility ignorant of the fact that these resolutions were presented by a Senator before there was any consideration of them in caucus; that three sets of resolutions were all considered in caucus; that the caucus did not originate any set? They modified one set, which they preferred to either of the other two, and reported it back—the set introduced by myself.

Mr. PUGH. The Senator speaks of three sets.

Mr. DAVIS. I think there were three sets; but no matter.

Mr. GWIN. There were resolutions of the other Senator from Mississippi, and those of the Senator from Delaware, [Mr.

SAULSBURY.

Mr. DAVIS. It does not matter. I introduced into the Senate certain resolutions; and, together with other resolutions introduced into the Senate, they were considered in caucus, examined by a committee, and, with slight modifications, reported back to the body. Those are the facts. It is not usually admissible—I do not like to speak of what occurred in caucus; but these resolutions are not the production of a caucus. They were before the Senate, printed here upon the motion of a single Senator, and now I have to say that very few-I do not think more than three or four-Senators conferred with me about these resolutions before they were presented. They were drawn up in committee-room in the engagements of other employment. and I presented them as soon as they were drawn. If I had had more opportunity, I should, no doubt, have consulted my friends generally; but I was alone responsible for them, and very few members of the Senate knew anything about them before they were presented. I therefore have a right to say, as I have said on an allegation when it was made outside of the Chamber, that, as far as any charge was attempted to be fastened upon the original production of these resolutions, connected with an attempt to operate upon the Charleston convention, it was false. I do not know where the Senator may have been at the time; I do not know but that he may have been sick when these resolutions were introduced; but he will find that they were printed for the use of the Senate before the caucus ever saw them. It is not, therefore, an attempt on the part of the Senator to prescribe a platform for the party, or to dictate to the conven-There were Senators who objected to taking the vote before the meeting of the convention, because of the fiction which was promulgated abroad through the country, that there was a purpose here to dictate to the convention what platform they should adopt. I desired a vote at an early period, and originally

expressed a desire to have a vote, if possible, without debate. Others, however, thought they would avoid the charge of attempting to dictate to the convention, by allowing them to pass over until after the convention had met.

Now the Senator goes further, and says that he supposes they are intended to frighten the Baltimore convention. Who has proposed anything of that kind? Nobody here.

Mr. DOUGLAS. It would be personal to name them all.

Mr. DAVIS. Does the Senator know of any one who seeks to frighten them off? He says that we are delaying the business of the Senate by the consideration of these resolutions. The Senator and myself have both spoken, I believe. I think, however, that he has doubled my time; and I am willing, in the remainder of the debate, to give him two hours to my one, so that the business of the Senate may be delayed as little as possible by me.

The last point which I will notice, is his reference to the Southern League. He reads from the Southern League constitution, or whatever it is—I do not know—to show that there was an organization to dissolve the Union. Does the Senator believe there was a lodge in that Southern League outside of the State of Alabama?

Mr. DOUGLAS. I did suppose so, for the reason that Mr. Yancey refers to it in his letter to Slaughter in terms of approval; and in the letter to Pryor, explaining the Slaughter letter, he says there is a well-matured plan throughout the southern States, and approved by the best men in Virginia, evidently referring to the Southern League as spreading throughout the southern States and then existing in Virginia,

with the approval of the best men.

Mr. DAVIS. I know very little about other people's secrets, and have very few of my own to keep; but I will say that if there was a lodge outside of Alabama, I do not know of it. Further, I will say, that I do not believe there was. And more, I will say, from the best information I have, there was not one hundred in the organization in Alabama; I have been told about seventy-five. I do not think the Union was in any danger from them. I have great confidence in the strength of the Union. Every now and then I hear that it is about to tumble to pieces, that somebody is going to introduce a new plank into the platform, and if he does, the Union must tumble down; until at last I begin to think it is such a rickety old platform that it is impossible to prop it up; but then I bring my own judgment to bear, instead of relying on witnesses, and I come to the conclusion that the

Union is strong and safe—strong in its power, as well as in the affections of the people; that it holds high prizes yet, and the danger is that it will overwhelm the States by its wide-spread patronage. The danger is consolidation; and I wish it was in my power to-day to strike three fifths of the patronage of this Government from it, that the States might rise in their relative dignity, and the Union be less strong than it is-more strong perhaps in the affections of a virtuous people, but less powerful in its influence upon those who follow in the wake of spoils. But, sir, I have very little apprehension that the Union is about to be destroyed by seventy-five men anywhere; very little apprehension that this great Government can be crushed by a secret organization. No, sir; it will require men, brave men, intelligent men, united and acting openly, defending their firesides, under the promptings of the highest motive that sustained our fathers in the Revolution, whenever war shall successfully be waged against this Government.

Mr. DOUGLAS. I ask leave to say a word or two more. I concur most heartily in all the Senator from Mississippi has said in regard to the abuses and dangers that arise from executive patronage. No man in America has had more cause to feel the weight and to witness the abuse of Federal patronage than I. For three years no friend of mine has been permitted to hold a cross-roads post office, or even to circulate the public documents under my frank, as a general thing, in my own State. The Senator states that I have made an assault upon the Democratic party because I said the Federal office-holders in that State did not belong to the party. Sir, I am not the only one that has said The Senator said he supposed the party in Illinois was divided. They did pretend to be, and the Federal office-holders got up delegates to Charleston; but when they went before that convention that body, by a unanimous vote, expelled these officeholders. It was the Charleston convention that decided that the Federal office-holders in Illinois did not belong to the Democratic organization; and I did not find that Mississippi dissented. nor did Alabama, nor did South Carolina. No man from any one State would degrade himself so much as to recognize that bogus delegation from Illinois, representing the Federal officeholders, as belonging to the Democratic organization. I think the action of the convention, its unanimous action, and that, too, before Mississippi had retired, was pretty good evidence on that

Mr. DAVIS. Evidence of who were the delegates.

Mr. DOUGLAS. Yes; and the question of who the delegates

were depended on whether they were sent by the party or not. There could be but one Democratic party, and that decided who that party was; and it is well known that those who were rejected had acted with the Republicans and Abolitionists for the last three years at all their elections, and do now. A man is not permitted to hold office in Illinois who votes the Democratic ticket.

The Senator tells us that he has declining distrust of all platforms; that he begins to think they are not of much account; that we should get along just about as well without them as with them; that he depends a great deal more on the man than on the platform; that he thinks he would trust a good man without any platform at all. If that is the case, why is he not content with the platform as it is, and then go for a good man? Why break up the party on the platform, if you do not think that is of any consequence?

Remember, the bolters seceded at Charleston, not on the candidate, but on the platform. Were they afraid that they could not get a good man? I have no doubt the friends of each candidate thought their man the best. Nearly every southern State had one; and, so far as I know, most of them were very good men. Several of them it would give me great pleasure to go for, if they were the nominee. Why, then, did they not content themselves with the platform, and only quarrel about the men? If the platform is not a matter of much consequence, why press that question to the disruption of the party? Why did you not tell us in the beginning of this debate that the whole fight was against the man, and not upon the platform?

Mr. DAVIS. I could not tell you so.

Mr. DOUGLAS. You tell us now that the platform is not of much account.

Mr. DAVIS. No, I did not say that, though I said to the Senator what my own opinion was, and how it affected me. I

was not speaking for others. I am only a small man.

Mr. DOUGLAS. So am I. I am not speaking for others either; but I want to understand this thing. Do you mean that the platform is of no consequence, provided you get the right man, and that if there is no prospect of getting a good man you will make a fight on the platform and break things, swear by the platform, say that Southern honor, Southern rights, Southern dignity are all at stake; that you care not about men; and at the same time say to yourselves: "We do not care about the platform, provided we can get our man; if we can, we will take him on our platform; but any platform will do with our man."

Is that the position? Why, then, are these resolutions here now? If they are not intended to operate on the Baltimore convention, for what purpose are they pressed to the exclusion of the public business? The Senator does not contend that there is any pressing necessity for them; he does not pretend that there is any great evil to be redressed. The people will ask what all this is for. And yet all public business must be postponed to give priority to it. Why? There must be some purpose. Why? Because it will not do to have a rickety platform unless you get your man.

Mr. President, I think I shall drop this subject here. I am sorry to have been forced to occupy so much of the time of the Senate; but the Senate will bear me witness that I have not spoken, in the last two years, on any one of these topics, except when assailed, and then in self-defense. You will never find the discussion renewed here again by me, except in self-defense.

Remarks of Jefferson Davis on the deficiency bill. May 22, 1860.

Mr. DAVIS. It strikes me that we are arguing the question at a point at which it is unnecessary to consider it so broadly on its merits. If this money is to be paid out of the contingent fund of the Senate, whenever the Senate has a contingent fund it will be liable to that draft; and if we wish to reconsider the resolution upon its merits, it would seem to me more appropriate that it should be done on a motion to reconsider or to repeal it. It is not necessary to obstruct an appropriation bill by a question as to this item, because, if the Senate choose to pay it, they can pay it out of their contingent fund whenever they have one. If they choose to repeal the resolution, they can do it at any time, independent of this item in the appropriation act.

Having said this much, I wish to add merely that I think it is a misapplication of terms to talk about conscience in this matter. There is no conscience in a man's salary; it is a mere question of law. He cannot increase the salary, and everybody would write him a fool if he were to attempt to reduce his own salary. The whole question is, what does the law give? Up to 1845, I believe, the question had never been raised as to whether a Senator was entitled to mileage for attending an extra session without actually performing the travel to and from his home. It was then decided that the travel was not necessary. The question was revived at a subsequent period and fully discussed. Mr. Benton, with his thorough knowledge, had at first decided not

to receive the mileage, but he reviewed the question and gave his opinion that it was due under the law, and at a subsequent period drew for two sessions at the same time. Mr. Calhoun, whose purity was never questioned, whose discrimination was always admitted, said, that under the law, it was a claim—that it was a payment not to be made by the number of miles traveled. but a payment to be made for separation from one's home and business; that it was an allowance of the law, and he therefore took it as a legal portion of his salary—a portion of his salary fixed by law. If that decision had been made in the lifetime of Dr. Linn, no doubt he would have received it; or if he did not receive it then, it would have stood as so much money, to which he remained a creditor, on the books of the Treasury. I may say, in relation to myself, that I once postponed receiving such an allowance, and was informed that it would stand to my credit there until I drew it; and it was subsequently sent to me by a friend.

The only difference, then, between the case of Dr. Linn and that of those subsequent to the decision, is, that at the time at which the claim was made, it had not been decided to be a part of a Senator's salary or allowance, and that it was subsequently decided under the law to be his. Then, whether we shall go back to a period anterior to the decision, and admit that it was due under the law and is to be paid hereafter—for if it is to be paid in one case, it will in another—or, if it be argued that because we have made the allowance, and made it indiscreetly, it is to stand, let it come up on that question single and alone; let the merit of the resolution be discussed as a distinct proposition in relation to money to be drawn from the contingent fund of the Senate. With these views, I shall vote to recede.

Remarks of Jefferson Davis on the Fort Snelling resolution of inquiry. May 23, 1860.

Mr. GRIMES. I beg leave to offer a resolution; and as it is a mere resolution of inquiry, I hope it will be considered now:

Resolved, That the Secretary of War be requested to inform the Senate whether any of the money agreed to be paid for the purchase of the Fort Snelling reservation, in Minnesota, has been paid, according to agreement; and if so, how much, when, and to whom; in what manner such payments were made, and in what manner are the unpaid installments of the purchase money secured?

Also, that he inform the Senate whether any part of said reservation is now in the occupancy of the United States; and if so, what part, for what purpose; upon what terms or stipulations, who is in charge thereof, and how long will such occupancy probably continue?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HALE. The phraseology of the resolution I have heard objected to by the Senator from Virginia, [Mr. Mason,] a good many times. He has always taken the ground that, when a resolution of inquiry is addressed to a Department, it should be "directed," and not "requested" to send us the information.

Mr. MASON. "Directed" is certainly the word.

Mr. GRIMES. I have no objection to "directed" being sub-

stituted for "requested."

Mr. DAVIS. I have objection. I think the true language is that employed in the resolution. We may make a call on the President, and the President can order a Secretary to send anything in his Department. We have no right to make a call directly on the Secretary at all; and it is only a matter of courtesy when there is any correspondence between the Senate and the head of a Department. The head of a Department is the officer of the Executive; and if there be a purpose to make the call mandatory, it can only be done by making the call on the President. I think the true language is employed in the resolution. It is an intercourse of courtesy, and that is all.

Mr. MASON. There can be no official intercourse of courtesy between the Senate and any of the Departments. I should take for granted that there would be no intercourse, official or inofficial, from which courtesy would be absent; but this is strictly official intercourse. The Senator from Mississippi is right in saying that these officers are the mere ministerial agents of the Executive, and that they cannot and ought not answer any communication of the Senate unless with the sanction of the President. But still, they are Departments known to the law; they are officers known to the law; and I presume, indeed I know, it is their custom, whenever any question arises about the expediency or the propriety of making the communication, the head of the Department refers it to the President, and if the President interferes he does it on his responsibility, or on his rights. But I would submit to the Senator that the best mode of interpreting what are the relations between the Senate and the heads of Departments, is the usage of the Senate-its usage

ever since it was a Senate. I do not know of any better mode of learning what the relations are between the branches of the Government than the usages between those branches. The invariable usage-unless now and then by accident or inadvertence, as in the case of the present resolution, a different word is used—the invariable usage of the Senate, in its communications with the Departments, is to "direct" them, not discourteously at all, but as the proper term to indicate the relations that subsist between them. On the contrary, however, when communications are addressed to the President, the word "request" is used. Of course, it is at his discretion. The President may or may not communicate the information sought for: but there is no discretion in such a matter, as far as the head of a Department is concerned. I say to the Senator from Mississippi. therefore, that I think he will find that the universal usage of the Senate has been to "direct" the Departments, and not to "request" them, because "request" would imply a right to refuse.

Mr. DAVIS. I think there is no invariable usage about it. I think the language changes as often as the case of the individual who offers the resolution. I part, therefore, from the Senator from Virginia, when he speaks of the invariable usage or custom of conducting the official relations between the Senate and the Departments. His theory is founded on the organization of the British Government, where the Ministry is responsible, and not the Crown. Our practice has followed the theory of the British Government, as we have followed it in many other things; but our theory is the reverse of that of the British Government. Here the Secretary is not responsible, but the Executive is. The Executive we hold responsible, not his ministerial agents. There is the difference between the two Governments, and the practice ought to accord with the difference of theory.

But let us test it. Suppose the Senate sends an order to a Secretary, and the President tells him not to answer it: what is the responsibility of the Secretary? Would the Senator put us in the position of giving an order to one not bound to obey giving an order which might be sent back to us contemptuously, and we to be without redress? The conclusion shows the fallacy

of the first proposition.

Then, again, at a very early period of the Government, the first time the question arose, it was decided that the act of the Secretary was the act of the President; that it derived its authority because he acted for the President, and by his direction. If that be so, then it is quite clear that we have no right to control his action; and if we cannot give an order to the President, we cannot give an order to his agent, who acts for him

and whose act binds him to the responsibility.

Mr. MASON. One word. The Senator from Mississippi has no right to trace any theory of mine to his source. I deny, so far as there is any theory about the relations of the Government, that I derived it from the source to which the Senator referred; and I would ask that Senator if he can point to an instance where either House of Parliament either directed or requested a minister to communicate information?

Mr. DAVIS. If I had Hansard's Reports, I could find them by turning over one page after another—cases where they call on a minister to communicate information; give a minister notice that questions will be put to him on the floor of the House; because there the communication is personal—not as here, by written letter.

Mr. MASON. The Senator will find this: that where any member of either House of Parliament wants information, he calls upon the minister, and asks when the Crown will give the information; when the House may expect to receive it?

Mr. FESSENDEN. It is never an order of the House.

Mr. MASON. Never the order of the House. That is the relation in the British Government.

Mr. DAVIS. Because the communication is personal there.

Mr. MASON. You may assign your reason for it; I am speaking of the fact. That is the relation of the British Government. The inquiry is made whether the Crown intends to communicate it; and when the Crown intends to communicate it; and if there is any doubt about the communication being made, the House may get at it, not by a direction or a request, but by putting questions which may place the Ministry in an embarrassing position if they do not furnish the information. That is the practice there.

Now, I agree with the Senator perfectly in this, that, to preserve strict official form, the Senate can communicate only with the President. In this very instance the resolution asks for information from the War Department. Now, it would be perfectly in form to send a communication to the President, and request that that information should be given. The President then would direct the head of the Department to give it, or he would state to the Senate his reasons why he would not give the information. That may be the strict official form; but I submit again to the Senator from Mississippi, that I know of no better guide to the relations that subsist between the Senate and the

other branches of the Government than the usage; and I referred him to the records to show that, unless by inadvertence, the invariable usage has been to "direct," and not to "request" the head of a Department to communicate information to us.

Mr. DAVIS. The usage is not invariable, as I stated before: but variable, according to the view of the individual who offers the resolution. Now, I put it to the Senator that his practice if he will have it so—was the result of following the theory of a Government which had a different theory from our own. I stated the fact that in Great Britain the Ministry, and not the Crown, was responsible. He has not denied that: but he has gone into another argument of the manner of corresponding between the two Houses of Parliament and the Ministry. I have only, in addition, to say that the Senator denies my right to refer his theory to my source. I had no right, I admit, except the supposition that the Senator had some logical, reasonable foundation for his position; so that, if I made a mistake, it was in

assuming that he had a reason, when he had not.

Mr. DAVIS. The question, as it arose on the proposition of the Senator from Virginia, was a general question. As presented in most of the remarks of the Senator from Kentucky, it becomes a special one. He treats the Secretary of War as an agent appointed by the Congress to sell a military reservation, and not as Secretary of War. In that view of the case, surely there is much force in the suggestion presented by the Senator from Kentucky. But even let us concede that he is an agent; that he is our agent; that we have a right to make him do anything we please; is it necessary to say, "I order you, sir;" or is it not the language of ordinary and polite intercourse even to request a servant? I am sure that is what the Senator from Kentucky would do himself towards the humblest dependent he ever had.

But before the close of the Senator's argument, he assumed a position which I think is really important. He asserts the right of the Senate to order a Secretary of War to come, with all his papers and all his clerks, and be examined here. If that be so, then a Secretary or head of a Department is not a mere part of the executive branch of the Government, and the President is not entirely responsible for what he does. We are the judges in the case of impeachment of the President or any other officer. We ought not to originate investigation; we ought not to bring witnesses before us to sit in the first instance to learn whether an impeachment should be made or not, when in the last resort we are to sit as judges to try the case. That belongs to the House of Representatives. Investigations belong to the House of Representatives; investigations looking to impeachment should be confined to the House. If the Senate assume that authority, we become the investigating, as well as the trying, body. It seems to me to change the whole theory of the Government—the relation of the two Houses of Congress to the executive department, and to all other civil officers. I therefore should think it a very dangerous power to admit. It would be an innovation on the practice of the Government which I should think exceedingly hurtful. But to answer the position taken by the Senator from Kentucky, which narrows it down to the single case, and makes no application of it beyond such a case, I would say if the Secretary be the agent, the mere agent of the Congress, and we have the power to order him to make a report, to compel him to make a report, still, as we have no right to believe he would be recusant, it is as well to say, we request him to send us the information.

Mr. FESSENDEN. If this were a question merely of courtesy. I do not know that I should care much about it. I suppose, however, it is a sufficient answer to what has been said by the Senator from Mississippi, on that point, to say that such has been the universal usage, as I understand it; and such would seem to be language not improper, when used by the Senate of the United States to an officer. But, sir, I take exception to the general doctrine of the Senator from Mississippi. The Secretary of War, like the other Secretaries, is a civil officer. He is not a mere clerk of the President, although he is connected with the Executive department. The Secretary of War is not recognized as such, in terms, by the Constitution. He is the creature of statute. All the Secretaries are creatures of statute. They are civil officers, made by the law of the land. He is intrusted with certain duties connected with the War Department by law, not by the President. We, as a part of the legislative power, create the office; Congress creates the office of Secretary of War, and imposes upon him certain duties connected with the Army. He is not a military man, although he has the oversight, in a certain degree, of that branch of the Government. Now, sir, are we to be told, being thus created, having these duties, important to the country, that we are to surrender all control over him, simply because the Constitution makes the head of an Executive Department one of the advisers of the President, in certain cases? I hold not.

Mr. DAVIS. The Senator will perceive, at that point of his argument, not intending to interrupt him, I admitted the argument of the Senator from Kentucky, that the Secretary of War

might be charged with powers which did not belong to his office, as Secretary of War, and would thus become an agent of Congress, in the case supposed by the Senator from Kentucky.

Mr. FESSENDEN. Then, sir, the difference between the honorable Senator from Mississippi and those of us who differ from him, depends altogether upon the question how far that goes. I hold that, as the President is the commander-in-chief of the Army, we cannot call upon an officer of the Army, perhaps, to furnish us information: we must call upon the President. The Secretary of War, like the others, is a civil officer, and liable to impeachment. We may impeach him. We could not, with any effect, impeach the President for disobedience of orders, or of corruption on the part of the Secretary himself. We impeach the officer thus created, directly. All civil officers are liable to impeachment, and he is a civil officer.

Then, sir, being a civil officer, created by statute, having under his control an important branch of the public service, is it to be held that we cannot give him a direction which shall be binding upon him? I hold that it would be very dangerous indeed to assume any such principle. I care nothing particularly about the question of courtesy. I am perfectly willing and desirous to use such language in the intercourse of the Senate with public officers as is becoming to it. Certainly it cannot be unbecoming to use that which has always been made use of without exception. I rose merely for the purpose of entering my protest against the supposition that, in all matters relating to the duties of his office, the Secretary of War is not bound to respond directly to our order. If a contrary order is given him by the President of the United States, in a matter about which we have a right to inquire, then we have only to make a call upon the President himself in the language proper and peculiar, and if he refuses and interferes unreasonably with the order of the Senate in regard to those matters, then the question arises how far he may be responsible to public opinion, or otherwise. At any rate, I am not willing, for an instant, to yield to the idea that we are obliged to loosen our hold upon any civil officers of this Government—any officer created by law—simply because he holds a relation to the President which may be considered as making him a part of the executive government.

Mr. DAVIS. I am sorry to interrupt the Senate again in its progress—

Mr. FESSENDEN. The Senator is not interrupting me. I have got through.

Mr. DAVIS. Not the Senator. I say I am sorry to impose on

the Senate again any remarks in relation to this subject. If it were a mere matter of form I should not have said anything. I did not so consider it when it was first presented; and now I merely propose to make a single remark in answer to the closing remarks of the Senator from Maine. With a view to show him exactly the difference between us, I will present him a case. Suppose the Senate should order a Secretary to send certain information here, and the Secretary should reply: "that information is of a character which the President does not allow me to communicate:" then what would be your order? A display of your power? An arraignment of the Secretary? Impeachment? Not at all. You have confidential relations with the Executive. You would then do what you might have done in the first instance: instead of an order, you will send a request to the President, as far as the public interest would permit, to communicate to the Senate, in executive session, this confidential information which we, as his confidential advisers, might thus receive. There is a case.

Remarks of Jefferson Davis concerning Senator Davis' resolutions concerning the relations of the states. May 24, 1860.

Mr. DAVIS. We may consume as much time in saying that we shall not speak as we should in speaking. It is true, we agreed to vote at two o'clock; but at two o'clock the Senator from Michigan [Mr. BINGHAM] was engaged in the delivery of what was evidently a prepared speech; and it would have been a breach of courtesy exceeding anything I have ever known in the Senate to have proposed, because of a previous understanding, to arrest him midway in the delivery of his prepared speech. All that has been done since, has been skirmishing, sharpshooting, even down to the time when the Senator from Wisconsin repeated a joke, which was pretty good yesterday, but which would not bear repetition. It did very well yesterday; but once was enough. Now, I do hope we shall come to a vote.

Mr. DOOLITTLE. The honorable Senator will allow me to say that I thought, instead of being the funeral ceremony of the Senator from Illinois, it might be the other funeral ceremony, to

which I have referred to-day.

Mr. DAVIS. Well, as the Senator quit the Democratic party some time ago, I suppose he will not be one of the mourners at the funeral. [Laughter.]

Mr. DOOLITTLE. The Senator will allow me to say, that when such new recruits in the Democratic party as the Senator

from Georgia [Mr. Toombs] and the Senator from Louisiana [Mr. Benjamin] are the chief mourners and pall-bearers, I think that I, at least, who have served twenty years of my life, not as a leader, but as a private soldier in the ranks of the Democratic party, might be invited to take a seat among the mourners. [Laughter.]

Mr. DAVIS. Well, Mr. President, I have understood, that when Napoleon escaped from Elba and landed on the coast of France, where ever he met one of those troops who had followed him through so many glorious battle-fields, he rallied him to his standard; and even that soldier, "without fear and without reproach" of his day, Marshal Ney, violated his pledge of faith to the Bourbons, and forfeited his right under them, to rally again under the standard of Napoleon. I trust, sir, from the funereal voice of the Senator from Wisconsin, that he is becoming somewhat regretful that he has parted from good company, and that we shall soon see him on the stool of repentance. [Laughter.]

Mr. DOOLITTLE. The Senator will allow me a single word. I walked the deck of the Democratic ship as long as it bore the Democratic flag; I followed that flag as long as it bore the inscription of freedom; but, sir, when it was changed, when Calhounism—which declared that the basis of republican institutions was founded upon slavery, and which declared that the Constitution, of its own force, carried the law of slavery into every Territory of the United States which we now have or can ever hereafter acquire-became its motto, I did not follow that flag any longer. Mr. President, it is not because I changed my views, or changed my principles, but because the flag which was raised over me was changed. The country knows, there is not a Senator upon this floor, I believe, who does not know, that the novel doctrine laid down in the resolutions now before the Senate—that the Constitution, of its own force, guarantees the right of every slaveholder to take his property into the Territories beyond the jurisdiction of the State where it exists-was a new doctrine first asserted by Mr. Calhoun. It is a novel doctrine-novel on that side of the Chamber. It is now inserted as the cardinal creed of the Democratic party, substituting Calhounism for republicanism, slavery for freedom, and the doctrines of Mr. Calhoun for the doctrines of Mr. Jefferson; and, sir, it is for that reason that I, for one, have refused to follow that flag, and not for any other.

Mr. DAVIS. Well, it appears that the Senator was never inside of the temple; that he was one of those worshipers who

always stood in the porch; therefore it was easy for him to escape from the discipline of the church; and all I have to say is, that I wish the Senator very well wherever he may go. In the meantime, I think we had better go on to vote upon the resolutions; and as amendments are pending, I wish merely to say that those amendments, it seems to me, ought not to precede the vote on these resolutions, as appears to be the opinion of some, but that the resolutions are to be taken *seriatim*, and we are to vote upon No. 1, No. 2, and so on; and when an amendment is offered to a particular resolution, it will be considered in connection with the vote we shall give upon that resolution.

The PRESIDING OFFICER, (Mr. Wilson in the chair.) If such be the pleasure of the Senate, that course will be pursued.

Mr. CLINGMAN. I object to that course.

Mr. DAVIS. But there is no objection; there is no course; it is the rule of the Senate. A series of resolutions is to be voted on, and we are to go through with them regularly, voting on

No. 1, 2, 3, and so on.

Mr. CLINGMAN. The Senator will pardon me. The Presiding Officer announced that if it was the pleasure of the Senate, that course would be pursued. I expressed my dissent. I stand on the parliamentary law. If the Presiding Officer decides against me, very well; but I have no doubt he will decide with me, and we may amend the resolutions before they are adopted.

Mr. DAVIS. Every series of resolutions I have known voted upon, was voted on in the way I have suggested. Consequently, there is never any termination to a vote on a series of resolutions.

You never take the vote on the whole group.

Mr. DAVIS. Allow me to say to the Senator from Vermont that the meaning of the fifth resolution, as intended, does cover the assertion of the fourth.

Mr. COLLAMER. I take it so.

Mr. DAVIS. It covers, also, every constitutional right other than that embraced in the fourth resolution, but it covers the one embraced in the fourth. Therefore, if he denies the proposition of the fourth, he is clearly bound to vote against the fifth resolution. I say so.

Mr. COLLAMER. Undoubtedly.

Mr. DAVIS. And therefore it is fair to vote seriatim.

Mr. COLLAMER. I take it, no gentleman of ordinary candor will find fault with the principle I have stated.

Mr. DAVIS. Of course not.

Mr. COLLAMER. But I wished to have it stated, so that if the votes are taken on the resolutions separately, it may be

known why I vote against the fifth one in this connection, although, standing by itself, it would be unobjectionable.

Mr. DAVIS. My friend will perceive that we intend to deal fairly in the resolutions. Therefore the fourth presents exactly the idea against which, as I understand him, he would vote, in voting upon the fifth.

Mr. CRITTENDEN. To the substance of that resolution I not only have no objection, but I heartily approve of it; but in regard to the first part of it I wish to ask a question. It says:

"That in the adoption of the Federal Constitution, the States adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign."

Taking this in connection with some remarks made by the gentleman from Virginia [Mr. Mason] a few days ago, I do not know but that gentlemen intend, by the language used here, "the States adopting the same," to establish a constitutional doctrine on that subject. I had supposed it was not the purpose of these resolutions to make a question on that subject. I should want to know, however, from my friend from Virginia, if he were here, if he supposes—

Mr. DAVIS. It will give me great pleasure to answer the Senator from Kentucky, and I think, probably, I can do it most briefly by stating that, in 1837 and 1838, this exact question was before the Senate, and was then argued by men who have been considered the ablest in our history as debaters, and not only voted upon it, but with such great concurrence that I forget the minority vote against the proposition; but it was so small as to be searcely observable. It was admitted at that time to be true constitutional doctrine, and I have borrowed the language from the resolutions of that day.

Mr. CRITTENDEN. I had the honor to be one of the men who took part in the debate on the resolutions at that time, though not certainly of that class to which the gentleman has particularly alluded as the greatest and best men in the country.

Mr. DAVIS. I would include the Senator among the class, and the country includes him among them.

Mr. CRITTENDEN. I did not intend to make any question about it, but to avoid all egotism by saying simply that I was there. I know the question was then made. I wanted to ask the Senator from Virginia whether he supposed that it affected the

character of the Government which was established, whether it

was done by the States or by the people?

Mr. DAVIS. Oh, yes, materially, I think, I will say in the absence of my friend from Virginia. To say that it was a Government established by the States, and not by the people, is a material distinction.

Mr. CRITTENDEN. On that question I have a different opinion. It has seemed to me that the Constitution having been made and its obligation acknowledged, it was not the less sacred for having been made by the States or by the people. It was the same instrument. It had the supreme authority of the people of the United States for its sanction in one form or the other. I was seeking to inquire whether, in the opinion of gentlemen holding that it was made by States, they considered it varied the character of the Constitution, or the character of the Government formed under it.

Mr. DAVIS. There is so much confusion in the Chamber that I do not know whether I heard the Senator distinctly or he heard me. The historical fact intended to be asserted here is, that the Federal Constitution was adopted by the States severally—that is, the people of each State acting independently—not by the people en masse. It is merely the statement of a historical fact, and intended to guard the State right and sovereignty, which has never been surrendered.

Mr. CRITTENDEN. I did not intend to take exception to this phraseology; but wished to know whether the gentleman who had used it intended it and meant it as I understand it; that is, as signifying that the Constitution was made by the

highest sovereign power in this country.

Mr. DAVIS. I say so.

Mr. CRITTENDEN. Whether made by the people through the States, or by the States for the people, the phraseology is not a matter of importance, in my judgment. I wanted to know whether that was the case, also, in the judgment of others. I am content with it in that sense. My opinion is, that it was made by the people of the United States. The States themselves derived their authority from the people. I do not intend to make any argument on this subject at all, nor to pursue it, much less to enter into a history of the manner in which the Constitution of the United States was formed. My authority is this: the first line of the Constitution. "We, the people of the United States, in order to form a more perfect union," &c., have made this Constitution. Now, sir, I say there is no higher authority than that.

Mr. MASON. Will the Senator include me? I was out of the Senate; but I have understood, since I came in, that the Senator had made some allusion to me on some question.

Mr. WIGFALL. It was answered by the Senator from Mississippi.

Mr. MASON. I yield, then. I only wanted to know.

Mr. CRITTENDEN. The inquiry which I made has been answered.

Mr. MASON. I do not press it any further.

Mr. CRITTENDEN. I will not press the matter any further. Mr. DAVIS. The venerable and distinguished Senator from Kentucky—I use language towards him only which the country has applied to him—has read from the first line in the Constitution the words, "We, the people of the United States." Our fathers used the word "people" as a collective noun. I use it so. I believe never, until the advent of Kossuth—and every now and then some foreigner comes and brings us a new word—did we ever have in this country a plural to that collective noun. Perhaps now, if the Constitution were rewritten, to express the same idea, it would appear "We, the peoples of the United States." There it meant simply the people of each one of the United States; could have meant nothing else; because it was

The PRESIDING OFFICER. The Secretary will read the first resolution.

done by their delegates and submitted to the States for ratifi-

The Secretary read it, as follows:

1. Resolved, That, in the adoption of the Federal Constitution, the States adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any intermeddling by any one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext whatever, political, moral, or religious, with a view to their disturbance or subversion, is in violation of the Constitution, insulting to the States so interfered with, endangers their domestic peace and tranquillity—objects for which the Constitution was formed—and, by necessary consequence, tends to weaken and destroy the Union itself.

Mr. BENJAMIN. Have the yeas and nays been ordered on these resolutions.

cation.

The PRESIDING OFFICER. The Chair is informed they have not.

Mr. DAVIS. I ask that the yeas and nays be taken on each of them.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY. I desire to say, that on these resolutions I am paired off with the honorable Senator from Indiana, who is

now absent, [Mr. FITCH.]

Mr. DOOLITTLE. Understanding from the gentleman who proposes these resolutions, and others in discussing them, that they are a series connected together, I shall vote against tnem all, and therefore vote against this resolution; but if standing alone I could vote for this and for some others of the series.

Mr. CLINGMAN. I ask the general indulgence of the Senate to say what I should have said before the roll was called. At the request of the Senator from Illinois, [Mr. Douglas,] I desire to state that he is quite unwell. I saw him some days ago. He was suffering very much then, and I have no doubt, from what I hear at this time, is wholly unable to be in the Senate. What his purpose would be if well, I am not authorized to say; but it is due to him that I should make this statement.

The result was announced—yeas 36, nays 19; as follows:

YEAS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis. Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—36. NAYS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon,

NAYS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, King, Simmons, Sumner, Ten Eyck, Wade, and Wilson—19.

So the first resolution was adopted.

The PRESIDING OFFICER. The Secretary will read the next resolution.

The Secretary read the second resolution, as follows:

2. Resolved, That negro slavery, as it exists in fifteen States of this Union, composes an important portion of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States; and that no change of opinion or feeling on

the part of the non-slaveholding States of the Union, in relation to this institution, can justify them, or their citizens, in open or covert attacks thereon, with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively on entering into the constitutional compact which formed the Union, and are a manifest breach of faith, and a violation of the most solemn obligations.

The PRESIDING OFFICER. To this resolution the Senator from Iowa [Mr. HARLAN] proposes an amendment, to add at the end of the resolution these words:

But the free discussion of the morality and expediency of slavery should never be interfered with by the laws of any State, or of the United States; and the freedom of speech and of the press, on this and every other subject of domestic and national policy, should be maintained inviolate in all the States.

Mr. DAVIS. Before the question is taken on the amendment, I merely wish to call attention to what seems to be a verbal inaccuracy. The pronoun "their," before "ancestors," in the third line, should be "our."

The PRESIDING OFFICER. The resolution will be so modified.

Mr. PUGH. There is no act of Congress interfering with liberty of speech or the press, nor can there be, under the Constitution. So much of the amendment of the Senator from Iowa is purely superfluous. As to this subject within the States, it belongs to themselves, and it is no business of the Senate, nor of the other branch of Congress, to give any opinion upon it. I shall, therefore, vote against the amendment.

Mr. HARLAN. I ask for the yeas and nays on the amendment.

The yeas and navs were ordered.

Mr. TRUMBULL. I desire to say a word personal to myself, before voting upon these resolutions. I am not exactly satisfied with the view which the Senator from Vermont [Mr. Collamer] has taken of them. I dislike to place my vote upon the record here against a resolution which in itself is right; and it is not altogether satisfactory to me to say that there are other resolutions in the series, which when connected with it make it wrong. We are liable to be misunderstood. I would prefer to propose some amendments to the resolutions, that would express my own views, but there seemed to be a desire to get the question, and to

have a vote upon the resolutions as presented. That being the case, I wish to say that some of these resolutions, in my judgment, enunciate a proper and correct principle, and I certainly should vote for them by themselves; but I do not wish to come in collision with my friends in the course that is taken in regard to them, they insisting that they are to be treated as a series, and all together. Then I am against the whole of them; I have no difficulty about that. There is a great deal of heresy, in my judgment, in the resolutions. The author of the resolutions says they are to be considered together. Then I think the vote ought to have been taken on them en masse, but as the vote is being taken separately—

Mr. DAVIS. I think the Senator from Illinois did not quite understand what I intended to say. I was unfortunate in my mode of expression, if it justifies the construction that they are all to be taken together. The fact that I proposed that we should vote upon them separately, shows that I did not consider them so woven together that a man may not vote for one and against another. It was the fourth and fifth resolutions, referred to by the Senator from Vermont, which I admitted were so woven together as this, that the fourth resolution asserted a constitutional right and the fifth resolution, declaring a remedy in favor of all constitutional rights, embraced the right asserted in the fourth. That is all.

Mr. TRUMBULL. There are certainly many propositions in perhaps all the resolutions that seem to be correct, and I desired simply, that I might not myself be misunderstood in the votes which should be recorded here, to state that it is only out of deference to the view that is taken by my friends, that they are to be treated as a series, one dependent upon another—at any rate the fourth dependent upon the fifth—that I could consent to record my vote against some of these resolutions. I am somewhat at a loss whether to vote upon some of them at all. Several of them I shall certainly vote against.

The question being taken on the amendment of Mr. Harlan by yeas and nays, resulted—yeas 20, nays 36; as follows:

YEAS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, King, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory,

Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—36.

So the amendment was rejected; and the question recurred upon the adoption of the second resolution.

The question being taken by yeas and nays, resulted—yeas 36, nays 20; as follows:

YEAS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—36.

NAYS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, King, Simmons, Sumner, Ten Eyck, Trumbull, Wade,

and Wilson-20.

So the second resolution was adopted.

The Secretary read the third resolution, as follows:

3. Resolved, That the union of these States rests on the equality of rights and privileges among its members; and that it is especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the Territories, which are the common possessions of the United States, so as to give advantages to the citizens of one State which are not equally assured to those of every other State.

Mr. CRITTENDEN. I wish to make a remark or two in relation to this resolution, and to state the ground on which I vote for it, and for the fourth resolution which follows it. I have all my life entertained the opinion, in common with the old Whig party, and universally accepted by all parties, as I believe, up, at least, to the year 1835, that Congress possessed the power to legislate over the Territories of the United States in regard to the subject of slavery, and that they alone had the power of admitting or excluding slavery. The Supreme Court of the United States, however, have decided otherwise. I cannot say that, with all the reflection I have given to the subject, my opinion has yet been brought in concurrence with that judgment; but I can say this, that I feel myself here under a constitutional obligation to obey the decision of that court, and to receive it as the constitutional interpretation of the Constitution—the interpretation by

the constitutional authority to decide such questions. It is in obedience to that consideration, and in conformity to the constitutional principles as established by that tribunal, that I vote for this and the ensuing resolution.

The question being taken by year and nays, resulted—year 36,

nays 18; as follows:

YEAS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—36.

NAYS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Simmons, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—18.

So the third resolution was adopted.

The Secretary read the fourth resolution, as follows:

4. Resolved, That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect and unfriendly character, possess power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories, and there hold and enjoy the same while the territorial condition remains.

Mr. CLINGMAN. I wish to offer a proposition which will come in immediately after this. Will it be in order to offer it now, or shall I wait until this is adopted?

The PRESIDING OFFICER. The Senator had better pre-

sent his amendment now.

Mr. CLINGMAN. Then I offer it to come in immediately after the fourth resolution in the series.

Mr. BROWN. Is it an independent resolution?

Mr. CLINGMAN. Yes, sir.

Mr. BROWN. Then let it be offered as an independent proposition.

Mr. CLINGMAN. Then, if I be in order in so doing, I shall

wait until the vote is announced on this resolution.

Mr. PUGH. If the vote is to be taken on the fourth resolution, I wish to say that, in so far as the resolution denies the power of Congress, it would give me pleasure to vote for it; and if I believed that the right asserted was a constitutional right, as the resolution declares, I should vote for the whole resolution. I acknowledge that there is that right of emigration, but I do not think it is founded upon the Constitution; and I am not prepared, either from judicial decision or from my own conclusion, to deny that power in a Territorial Legislature. Therefore, whilst I approve much that the resolution contains, I am constrained to vote in the negative.

The question being taken by year and nays, resulted—year 35,

nays 21; as follows:

YEAS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Polk, Powell, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—35.

NAYS—Messrs. Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Hamlin, Harlan, King. Pugh. Simmons, Sumner, Ten Eyck, Trumbull,

Wade, and Wilson-21.

So the fourth resolution was adopted.

Mr. CLINGMAN. I now present the resolution I proposed to offer, to come in at the end of the fourth resolution. At this late hour I shall say nothing about it; but it is to exclude a conclusion, and I ask for the yeas and nays on it.

Mr. DAVIS. I ask what the proposition is? To introduce

a distinct resolution?

Mr. CLINGMAN. Certainly, to follow this.

Mr. DAVIS. I understand the series must be first put, and distinct oppositions follow. The Senator from Maryland [Mr.

Kennedy has offered some to follow these.

Mr. CLINGMAN. It was decided expressly by the Chair that my proposition could be offered. I put the question again and again. It is germane, and it comes in here, and therefore I offer it:

Resolved, That the existing condition of the Territories of the United States does not require the intervention of Congress for the protection of property in slaves.

I simply ask for the yeas and nays.

Mr. DAVIS. I suppose that may be offered either as an amendment to a resolution to which it is germane, or as a distinct resolution; but it cannot be offered in the midst of a series.

Mr. CLINGMAN. Oh, yes. Mr. DAVIS. I think not.

Mr. CLINGMAN. It has been decided.

Mr. PUGH. I submit that it is in order to move to amend the resolutions by inserting another resolution between any two of them. It is just as much an amendment as anything else.

Mr. CLINGMAN. It has been decided. I ask for the year and navs.

The yeas and nays were ordered.

Mr. BROWN. I move to strike out the word "not," after the word "does."

Mr. CLINGMAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CRITTENDEN. It seems to me that that presents a matter of fact for the decision of the Senate, whether the existing condition of the Territories does now demand any interposition of congressional authority. I do not know that it does. I do not know that it does not. Not knowing, I should take it for granted that it does not. But this is a decision on a matter of fact, as I understand. Supposing the existing state of things to be a peaceable, a quiet, and a lawful one—the only presumption I can make—I shall take it for granted that interposition is not required; but I understand myself as called on now to decide only a single matter of fact, and that from my own knowledge and information, which is quite limited on the subject.

Mr. CLINGMAN. The honorable Senator will remember that we have been called upon again and again by a Senator from Mississippi [Mr. Brown] to legislate on this subject. A great deal has been said about it in the country. Now, I wish it to go out that it is the opinion of the Senate, my own among others, that there is no necessity for this legislation; and I think it is quite as practical as any of the resolutions themselves.

Mr. DAVIS. The question presented is a mere question of fact. The resolutions on which the Senate are voting are declarations of principle. As to the question of fact, I should concur more with my colleague; and if I had to vote for either proposition, should vote for his declaration, because I rather think the necessity does exist; but that is an opinion which I am not prepared now to declare as a fact. Neither is it true that I have ever refused to vote for the bill which the Senator, my colleague, introduced.

Mr. CLINGMAN. I did not charge the Senator with refusing to vote for it. I said we had been pressed on it; and I want an opinion on the subject.

Mr. DAVIS. The bill has never been before the Senate for an expression of opinion. The question has been, whether it was to be considered by the Senate or not. This involves questions of fact, propriety, expediency; and we shall have these to decide when it is before us. In the meantime, I do not choose myself to be thrown off the line of asserting principles in a series of resolutions, by the interjection of questions of fact. I shall therefore vote against both propositions.

Remarks of Jefferson Davis on the slave trade bill. May 24, 1860.

Mr. DAVIS. Mr. President, in assuming an obligation upon our Government to stop the slave trade with other countries, we adopted a policy upon which, if it were open to debate, I should have some opinions to express. As it is not, however, and as the only question before us is what we are to do with the Africans when captured, I think it is well that we should just here review the policy we are pursuing, and which we are now about to extend.

We have entered into a joint agreement or convention with Great Britain to keep a squadron on the coast of Africa to prevent the deportation of Africans to be carried to other countries as slaves. Great Britain, in executing her part of the contract, supplies her colonies with labor. The slaves captured by Great Britain serve to furnish a certain number of Africans, under the name of apprentices, to the colonies of Great Britain, where they answer the purpose of laborers. The United States, however, the other contracting party, are taxed to support the Africans so taken on board a vessel, who, being born slaves, only exchanged a black for a white master; and now they are to be taken charge of by the United States as pupils, supported and educated, and our own people are to be taxed to convert African slaves into something else.

I think, sir, that it is carrying sympathy, humanity, or whatever it may be called, to an extreme. Charity begins at home. I have no right to tax our people in order that we may support and educate the barbarians of Africa. I think we should have discharged our whole duty if the power of the United States had been exercised to prevent the introduction of Africans into the United States; but we have taken upon ourselves the police of the seas, which did not belong to us, and now we go still further than that, and tax the Treasury in order to support and educate Africans who may be found on board of slavers. I can only view it as an enormity—an oppressive enormity upon the

people of the United States; as a false sentiment, actuating us to impose burdens upon our own people for the benefit of those who have no claim upon us; as a departure from the purposes of the Government—a usurpation of a power which was never conferred upon it. I would not consent to take money from the Treasury to educate our own people. With what propriety, then, can I be asked to take money from the Treasury for eleemosynary purposes towards the barbarians of Africa? I throw out of consideration all collateral matters, and merely look to the simple object. That the slaves captured on the coast of Africa should be taken back to the coast of Africa, and the Africans turned loose as near their former residence as possible, may be the only means by which we can get rid of them after we have taken them. Having the wolf by the ears, the only question is, how to let him go. To more than that I cannot consent. I shall, therefore, vote against the whole bill.

Mr. DAVIS. The Senator from Maine has made his own case, and no doubt answered it to his own satisfaction. Even one of less ability could have done that. Nominally, he has assumed to be answering me. He has not done it. In order to make his speech, he had first to assume that I had said something very unlike that which I did say. The bill which is lying on the table is not confined to the simple purpose for which the Senator speaks. In opposing this bill, therefore, I opposed something

more than that to which he directs his argument.

Again, sir: I did not propose to turn these captured Africans loose on a desert island, to be caught up by pirates and made slaves. I said that if we engaged in the matter of stopping the trade elsewhere than on our coast, we fulfilled our duty, I thought, to the captured slaves by sending them back to the country from which they were brought, as nearly as we could find it. Now the Senator assumes that they were not slaves there, for he says they were taken by violence by persons under the flag of the United States. Is it true, sir, that the little crews that go out on the craft with which the Senator is more familiar than myself—for they go from his country, and not from mine —have invaded Africa, penetrated its wilderness there to capture the free barbarian; or does not the Senator know that they go to the barracoons upon the coast, and buy them from those who hold them in bondage; that they are traders, not soldiers; that they buy slaves—they do not capture Africans that they take them in trade, not by violence; that they were on their way, in the course of their trade, to a foreign country, not to our coast? Then, why does he talk about their being brought here to be made slaves? He knows they are not permitted to be brought here; and that, if we had not captured them, they would never have been brought here. Having captured them, having brought them under our ruling to the coast of the United States, instead of taking them to the coast of Africa, then the question arises, in the single case before us, what shall be done with them? If they have, as the Senator assumes, a country from which they have been torn by violence, they will be at home when they are landed there. If they were slaves in that country before they were brought here, their masters will probably take charge of them again when they get back. That is not our business. We are not called upon to take charge of them, to educate them.

Mr. BENJAMIN. Allow me a word. The Senator, in his previous remarks, and those he is now making, has misapprehended the bill. There is nothing here about education. It is merely to provide for their physical wants.

Mr. DAVIS. Let me see. The bill provides:

"That it shall and may be lawful for the President of the United States to enter into contract with any person or persons, society or societies, or body-corporate, for a term not exceeding five years, to receive from the United States through their duly constituted agent or agents, upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade by commanders of the United States armed vessels, and to provide the said negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions for the period of six months from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided with food: Provided, That any contract so made as aforesaid may be renewed by the President from time to time as found necessary for periods not to exceed five years on each renewal."

It provides for all of them that may be captured for any term of years by any number of vessels; it has not to do simply with the negroes on the coast of Florida. And here it is provided that the President may renew this contract from time to time, as he may deem it necessary, for periods not to exceed five years for each renewal. Thus we are to keep a Navy afloat engaged in capturing slavers everywhere, and the President is to be authorized by Congress to make arrangements to take the slaves thus captured to Africa; to take charge of them there;

to provide for them for six months after they are delivered to the agent; and we are to pay a certain amount per capita. What will all that amount to? A few thousand dollars, the Senator from Maine said. He had better have said a few millions.

Mr. FESSENDEN. If it were a few million, it would make

no difference.

Mr. DAVIS. It would make no difference, perhaps, to the Senator; but it would be an objection with those who object to paying taxes to this Government for any other than its legitimate purposes; those who do not choose to be taxed in order that the Government may be used for ends for which it was not instituted—who claim that the power of taxation shall be exercised in accordance with the Constitution, not in accordance with the theory which any gentleman may choose, for the time being, to start—

The VICE PRESIDENT. The Chair must interrupt the Senator from Mississippi, to call up a special order at this hour—the resolutions of the Senator from Mississippi.

Mr. GWIN. I hope this bill will go over until to-morrow. Certainly the Senator from Mississippi will be answered by Senators on the other side.

Mr. FESSENDEN. I move the special order be suspended until this bill is disposed of. The Senator from Louisiana said it was a matter of great importance. Certainly it is of pressing importance; more pressing than the overland mail route bill. I think we can soon dispose of it.

Mr. GWIN. The overland mail route bill has been overruled

for half an hour.

The VICE PRESIDENT. The Senator from Maine moves to postpone the prior orders to continue the consideration of this bill.

Mr. MASON. Mr. President, while I agree that there is a necessity for legislation, and as speedy legislation as the case will allow, upon the subject-matter of this bill, yet we may make more haste than good speed. In my mind, it is a very difficult subject—what we are to do with this new phase of the African slave trade. It is one that I am not disposed to act upon, so far as I am concerned, without due and proper deliberation. I say this only to show the Senate that, if they postpone the resolutions with a view to take up this bill, there must be a very long debate upon it. That is my impression.

Mr. PUGH. I hope there will be no postponement of this bill; and I cannot see the necessity for any debate. The bill which is reported by the Senator from Louisiana contains

simply the recommendation of the President, which involves none of those points to which Senators are now addressing their argument. As I said before—and that is the main point I rose now to repeat—here are twelve hundred negroes, savages, put upon the Island of Key West, with insufficient shelter, with searcely timber enough on the island to make an inclosure for them. They have just been taken from these ships in a state of disease, some of them dying. There is not only great mortality among them—

Mr. DAVIS. If the Senator from Ohio will pause for a moment, I will just say to the Senate, as they seem anxious to vote upon this bill, though I had a good many views to express, I have no anxiety to express them, and least of all if the Senate do not want to hear the bill discussed.

Mr. PUGH. I beg the Senator's pardon. I thought he had concluded his argument.

Mr. DAVIS. No, sir; I gave way under the ruling of the Presiding Officer. I will merely say——

Mr. FESSENDEN. If the Senator from Mississippi will allow me, I will state that I designed to reply to what he had said; but I waive that. I have no wish to continue the debate.

Mr. DAVIS. I was going to say that I desire to move an amendment, to strike out all of the bill after the enacting clause, which precedes the last section, and then we can adopt that which provides for sending back the Africans we have got here; and I hope no more will be brought to our coast.

The VICE PRESIDENT. It is moved that the special order be postponed for the purpose of continuing the consideration of this bill, and that is the first question in order.

The motion was agreed to.

Mr. DAVIS. Is it in order for me now to move my amendment?

The VICE PRESIDENT. There is no amendment pending, and it is in order.

Mr. DAVIS. I move to amend the bill by striking out all after the enacting clause, down to the last section, in order that the last section being adopted, the Africans now held by the United States may be sent back, though I do not see why on earth we should send them back.

The VICE PRESIDENT. The Senator from Mississippi proposes an amendment, which had better be read. The Senator from Mississippi proposes to strike out all after the enacting clause of the bill down to the last section.

Mr. DAVIS. The last section, excepting lines three, four, and five. I strike out in the last section the words:

"In his discretion, in accordance with existing laws, and with the provisions of the first section of this act."

So that it will read simply to give him the power to send those back who are here.

Mr. FESSENDEN. How will the bill read when amended? The VICE PRESIDENT. The Secretary will read it as it is proposed to be amended.

The Secretary read it, as follows:

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to take immediate measures for removing to the coast of Africa, and there providing with food, shelter, and clothing, for six months from the date of landing in Africa, the captured Africans recently landed in the southern district of Florida; and that the sum of \$200,000 be appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated.

Mr. MALLORY. I wish to observe, before the question is taken on that amendment, that I have an amendment, to strike out all of the bill, and insert, which, I suppose, will take precedence of the amendment offered by the Senator from Mississippi. If that be so, if this amendment is in order, I should like to offer it first.

Mr. DAVIS. Let it be read.

The VICE PRESIDENT. The amendment of the Senator from Mississippi is first in order.

Mr. DAVIS. I have no wish to prevent the Senator from offering his amendment. Perhaps I may agree to it. Let it be read.

The Secretary read the proposed amendment, to strike out all after the enacting clause of the bill, and insert the following:

That the President of the United States be authorized to cause to be apprenticed for a term of years, not exceeding five, the African negroes recently captured by the United States ships Mohawk and Wyandotte, under such regulations as he may prescribe, to secure the transportation of the said negroes to Africa upon the expiration of their term of service.

Mr. DAVIS. I cannot accept that.

Remarks of Jefferson Davis on the Relations of the States, May 25, 1860.

Mr. DAVIS. I now move to take up the unfinished business of yesterday, being the resolutions introduced by me in relation to the rights of the States.

Mr. CRITTENDEN. My idea is that a territorial government is the mere creature of Congress, made and fashioned by Congress as it pleases, with what functions it pleases, with what power it thinks proper to confer. I wish to call the attention of the Senate to the real grievance at which these resolutions are aimed, and for the correction of which they are intended. The grievance complained of is that slave property in the Territories is left, not only without adequate protection but may be left to measures of the territorial government impairing the right of property in slaves. That is the grievance. It is an apprehension that the Territories will not give laws adequate to the protection of such property, but on the contrary may act against that property by hostile or unfriendly legislation. That is the apprehended evil. I believe my honorable friend from Mississippi, who introduced these resolutions, did at the time he proposed them admit that there existed now no actual grievance calling for the interposition of this government.

Mr. DAVIS. As my friend from Kentucky refers to me, I would merely say that I did not intend either to admit or deny the fact. I considered the declaration of principle to be coeternal with the existence of our Government, and coextensive with the whole country, not necessarily dependent upon the particular fact in relation to any particular locality.

Mr. CRITTENDEN. I understand the gentleman now. The amendment which is proposed, and which is now the immediate subject of debate, declares that there is no existing grievance at the present time. It is, then, according to the resolution itself, an apprehended or prospective mischief against which the power of the Government is to be evoked for the purpose of securing that description of property in the Territories.

The PRESIDING OFFICER [Mr. Bright in the chair]. The question is on the amendment proposed by the Senator from Mississippi [Mr. Brown] to the resolution offered by the Senator from North Carolina [Mr. Clingman].

The resolution of the Senator from North Carolina is in these

words, to be inserted after the fourth resolution of the series before the Senate:

Resolved, That the existing condition of the Territories of the United States does not require the intervention of Congress for the protection of property in slaves.

The Senator from Mississippi [Mr. Brown] moves to amend it by striking out the word "not." The question is on the amendment.

The question being taken by yeas and nays, resulted—yeas 5,

nays 43.

So the amendment was rejected and the question recurring on the resolution of Mr. Clingman, the result was—yeas 26, navs 23.

Mr. CLINGMAN. I suppose it is now in order to offer an amendment to the fifth resolution of the Senator from Mississippi [Mr. Davis].

The PRESIDING OFFICER. The resolution will first be

read.

The Secretary read the resolution as follows:

Resolved, That if experience should at any time prove that the judicial and executive authority do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply such deficiency.

Mr. CLINGMAN. I offer this amendment as a proviso, to come at the end of the resolution:

Provided, That it is not hereby intended to assert the duty of Congress to provide a system of laws for the maintenance of slavery.

Mr. DAVIS. The purpose seems to be to exclude conclusions which may be drawn by persons hostile to the resolutions. There are several facts in physical, moral, and political science not included in the resolutions, and there are several conclusions that might be drawn by an ingenious mind which no provision has been made to exclude. It is difficult, sir, to frame resolutions, brief as they must be, so that they may not be tortured from their true meaning by one who is ingenious and willing to

do so; against such forced rendering I do not deem it needful to guard; but there is a plain construction to be put upon the amendment which exceeds the declared purpose and which is objectionable; it is not explanatory but is an avowal, that we do not think it at this time necessary to legislate for the maintenance of a particular kind of property. Why not? Is there any particular kind of property under the ban? One of the modes of legislating for this particular kind of property is to declare that the common law extends to the Territories of the United States. Another mode of legislating would be to repeal laws which made a discrimination without constitutional authority. I am not prepared to say at this time, or at any other. that I disclaim all purpose to legislate for the maintenance of any particular kind of property. I must insist that this property stands on the same basis as any other; and I do not understand the resolution, which has been adopted against my vote, to be tantamount to a declaration that we do not recognize the obligation of this Government to legislate at any future time for the maintenance of that particular kind of property, but only to assert that the necessity does not now exist.

Mr. CLINGMAN. Is there any objection to my withdrawing the amendment?

Mr. CHANDLER and others. I object.

Mr. PUGH. I hope the Senator from North Carolina will take the words "at this time" out of this proposition, because with them it is very equivocal.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina, and on that question the yeas and nays have been ordered.

The question being taken by year and nays resulted—year 12, nays 31.

So the amendment was rejected.

Mr. BROWN [of Mississippi]. I move to strike out all after the word "Resolved" of that resolution and insert the following in lieu thereof:

That experience having already shown that the Constitution and the common law, unaided by statutory provision, do not afford adequate and sufficient protection to slave property, some of the Territories having failed, and others having refused, to pass such enactments, it has become the duty of Congress to interpose and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property.

I have not one word of comment to offer. I simply ask for the yeas and nays on the adoption of the amendment.

Mr. DOOLITTLE. I wish to offer an amendment to the amendment, to strike out all after the word "that" and insert:

Nothing contained in these resolutions shall apply to any territory acquired of Mexico, in which slavery or involuntary servitude was abolished by law before the acquisition.

Mr. DAVIS. This is the same train of thought which was pursued when the interjected resolution before the fourth and fifth was accepted. It is the definition of facts in a series of resolutions which were intended to deal with general propositions, if fact it can be called which announces as a law that which never was a law, which was originally no more than the decree of a dictator which received a subsequent sanction by legislation, with such conditions that, those conditions never having been fulfilled, it never deserved to be called a law.

Mr. Doolittle withdrew the amendment and the question recurred to the amendment offered by the Senator from Missis-

sippi [Mr. Brown].

Mr. DAVIS. I will so far comply with the wishes of the Senate to proceed to a vote, as to make very few remarks. These are not joint resolutions, nor are they bills proposing legislative action. A general declaration of a principle, on which legislation may arise, may have some future value. The assertion of a particular, special fact, by the Senate alone, would be a mere nullity.

Mr. DAVIS. The Senator from New Hampshire [Mr. Hale] congratulates himself upon the practical character of the amendment of my colleague which is pending. He has not stated to us how exactly practical it is or to what its practicalness is directed. If he hopes it may produce discord in our ranks, I can understand that. If he means as to effecting anything, he knows better, for he understands right well that, however practical may be the words of that proposition, if it is confined to this body alone it can have no legislative effect. It must be joint to have legislative effect. He may well congratulate himself that, upon a resolution which, if adopted, would be a mere abstraction, because by one body, which could have no power whatever, the Democrats may be divided, and thereby he reap his reward.

Mr. BROWN. I ask for yeas and nays.

The yeas and nays were ordered; and being taken, resulted yeas 3, nays 42.

So the amendment was rejected.

Jefferson Davis to J. Thompson.¹ (From Pennsylvania Historical Society.)

Copy

Senate Chamber May 28, 1860

Hon. J. Thompson, Sect'y of Interior, Dr Sir,

Permit me to renew the expression of my solicitude for the appointment of Col W. Grandin to one of the 4th class Clerkships in the Census Bureau. He is an active and highly intelligent Democrat who can be useful wherever talent and education are requisite, and his past services, Military and civil give him claim to special regard.

Very truly yours

signed Jeffn Davis.

C. M. Harmon to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

80 West 27th Street New York, May 29, 1860.

Hon. Jefferson Davis,

Dear Sir;—I am a native of this State, but from 1844 to 1852 was a resident of Rankin County in Mississippi, and had the pleasure of voting for you in 1851 for Governor of that State. I, together with a namesake of yours, Andrew Lawson Davis, was introduced to you in that year at Brandon on the occasion of your addressing the people of Rankin County.

In 1852 I returned to this State, & have since that time been

¹Thompson, Jacob (1810-1885), a political leader, was born in Caswell county, N. C., May 15, 1810; graduated from the University of North Carolina in 1831; and was admitted to the bar in 1834. He removed to Pontotoe County, Miss., in 1835; was a member of the national House of Representatives, 1839-1851, being chairman of the committee on Indian affairs and advocating nonacceptance of the Compromise of 1850; was Secretary of the Interior from March 5, 1857, to January 8, 1861; was Inspector-General of the Confederate Army. He died in Memphis, Tenn., March 24, 1885.

connected with the press of this City. The American Party which sprang into life in 1854 suggested some healthy reforms, as I believe, particularly in relation to the Irish with which the Northern States are over-run. I acted with that organization until I was thoroughly convinced that it was being used for the benefit of a few politicians in this City, & then left it. The late Union demonstration offered, as I believed another opportunity to defeat the growing sectionalism of the North. Owing to my extensive acquaintance throughout the State I was induced to accept the earnest request of the State National Union Committee to canvass the interior and form Union Clubs. I spent the month of March and a portion of April in this work, and the result was a full delegation at the State Convention held at Troy April 18th to appoint delegates to the Baltimore Convention which assembled on the 9th of May. The people of the interior were unanimous for Houston, but owing to the old Whig proclivities of such men as the Brookes of the N. Y. Express. Bell & Everett were nominated. Down to this moment there has been no ratification of this movement in this State. The Troy Convention passed a resolution to defer the naming of an Electoral ticket until after the Baltimore nominations, and hence there is a chance that the National Union men of this State (100,000 to 150,000 strong) may vet be saved to assist the nomination to be made at Richmond, or at Baltimore, if the nomination at the latter place is acceptable to you & your friends.

The National Union State Committee are about calling a State Convention to consider what they shall do. I propose if my expenses can be paid, to canvass the State anew, and prevent any action until after your respective nominations are made. I am willing to give my time, and were I able, I would give all,—but I am not. But I deem this contest of so much importance to the whole Union that I cannot bear to entertain the idea that the Government must fall into the hands of a Sectional Party.

Messrs Geo. Briggs and D. E. Sickles of the House know me. The former, I think, is a Douglas man at heart, and I do not know how Mr Sickles stands now. But I desire, if you concur with me in regard to what New York should do in this contest, that you will confer with some of your friends here in season to permit me to commence the canvass of this State before the close of the present week. If immediate action is taken, I do not hesitate to say that New York can defeat not only sec-

tionalism but that which is equally objectionable—Squatter Sovereignty.

Your most Obt Servt,

C. M. HARMON.

[Indorsed: C. M. Harmon,]

Remarks of Jefferson Davis on the Oregon war debt bill. May 30, 1860.

Mr. DAVIS. I think I can state to the Senate, in a very few words, all which probably they desire to hear from me in relation to this case. After this war in Oregon had terminated, and when the claims for the services of volunteers were before Congress, the course taken by the House was to refer it to the Secretary of War for adjustment, and to authorize him, at his option. to employ a commission to determine the amount that might be due. At that time I was Secretary of War. I employed a mixed commission, consisting of an officer of the line, who had been longest in service in California and Oregon of any who were available for the purposes; an officer of the quartermaster's department, having special experience in the purchase of material and equipment of troops; and a citizen of Oregon of high character, who was supposed to be specially informed. When the report of that commission was submitted, the House, startled, I suppose, at the amount, ordered a reëxamination. It was reexamined by the Auditor. His report was sent to the House, and a copy of it furnished to the Senate.

The Committee on Military Affairs of the Senate, in examining the Auditor's report, found an allowance made of pay for volunteers which they deemed to be more than was just; that is to say, they decided that volunteers should receive the pay of troops of the Army of the same character, and no more. There was also a reduction in some of the amounts to be paid for purchases of supplies which the committee deemed to be unjust. They held that the current price of those supplies in the country at the time, as deduced from the purchases made by the Government, was the proper basis on which to fix the amount that should be paid for supplies to these volunteer troops; that they should give to the persons who had furnished the supplies the amount for which they had agreed to give up their property, by contract with persons properly authorized to make such a contract, unless there was evidence of some collusion, or where the price was so extravagant as to justify the belief that there had been either neglect or collusion. Therefore, as none of

the prices, so far as they were presented by the Auditor, exceeded what was the current rate of the country at the time, the committee decided, whenever the contract was of the character which I have described, that the Government was bound to pay the amount which the person making the contract had agreed to pay for the property when he received it. They had passed into the public service, the Congress having adopted the service of these volunteers; and therefore, though they were not mustered into the service, their adoption by Congress, in the opinion of the committee, precluded us from any examination into the necessity of calling them into service.

There is one point to which objection may be made. It is the refusal of the Governor of the Territory of Washington to have the volunteers of that Territory mustered into the service, and put under the orders of the military officer commanding in that department. The then Governor of Washington Territory was an experienced soldier. He believed that he could administer the militia of the Territory himself, and he chose to do so. His reply, refusing to have them mustered in, however, contained in it also an assurance that he would coöperate cordially with any portion of the United States treeps

any portion of the United States troops.

Mr. CRITTENDEN. Who was he?

Mr. DAVIS. The present Delegate from the Territory, Governor Stevens. They did coöperate, so far as I am informed, cordially with the troops, and the services rendered by them were, in many instances, such as were indispensable to the proper defense of the country. There is one company of pioneers who were engaged nearly all the time in severe labor, building block-houses and opening roads. The bill does not expressly state that they are to receive extra pay. I have consulted, however, with the Senator from Oregon, and he thinks it not necessary to amend the bill. I think a fair construction of the bill will give them extra pay. I believe they are entitled to it, and that the evidence is sufficient to warrant the payment of the extra allowance which is made to soldiers when employed on fatigue duty.

Unless there is some further inquiry, or some objections to the bill, I will not weary the Senate by going into any further details.

Mr. CRITTENDEN. I wish to inquire of the honorable Senator when this war terminated; and, if he will permit me to add another question at the same time. I wish to know of him what was the military force of the United States Army at that time in the Territory?

Mr. DAVIS. In Washington Territory there was a battalion commanded by a major. There may have been three or four hundred men; I cannot state it with any certainty. In southern Oregon there was a portion of dragoons, and some infantryprobably as much as four or five companies; but the principal force, probably, was then at Vancouver and at the Dalles, amounting perhaps, altogether, to some four or five hundred The troops in southern Oregon were necessary to cover what is called the Rogue river country, and the valley which lies back of it. They could not be concentrated with the troops in the upper portion of the country. Those in Washington Territory were required to guard the coast settlements from a sudden incursion of the Indians living along Puget Sound-warlike. very well armed, and in constant intercourse with the Hudson's Bay Company, and of whom there were at that time great apprehensions; while active operations were conducted against the Indians of Columbia river, the various tribes who had been concentrated under the organization referred to by the Senator from Oregon, under one chief. I suppose there could not have been, therefore, more than four hundred men, after deducting those necessary to guard the northern frontier, the southern frontier, and those necessary to hold the depots. It will be remembered that those troops in the field were surrounded by Indians, and that only with the loss of their baggage and some portion of their equipments, they were able to cut their way out: and I believe if they had not been joined by the volunteers the settlements must have been utterly destroyed. That is my recollection of the event.

Mr. DAVIS. There can be no greater error, Mr. President, than that into which we fall by attempt at parallelism where in fact none exists. I think my friend from Kentucky falls into this error in the present instance. He attempts to draw a parallel between the little skirmishes that attended the settlement of the fertile country of which he is a distinguished citizen, and this war, which was carried on at a remote point, as well from population as supplies.

Again, he attempts to draw a parallel between the march of an army over a route where the country furnishes their supplies, and the march of one across a country which was an absolute desert. If he would only, with the discrimination he usually brings to bear upon such questions, look at the very great difference between the two cases, he would not attempt to argue from the one to the other.

I will not follow his remarks about the doctor and Governor

Shelby, though I might say that the statement which he has made is conclusive that there must have been very little to do in those campaigns; for, wherever there is fighting, men must be hurt. Where blood is shed and bones are broken, there must be medical men and stores to attend to them. If men cross peaceably over mountains, hardy men in constant exercise in the open air, they will seldom get sick; but if they have to face an enemy, there must be medical stores to provide for the wounded.

But the case in point is one of a country in which there are wide districts not susceptible of settlement, and small belts of country highly fertile, inducing settlement. This war broke out on the upper branches of the Columbia river. A few persons had gone there for settlement, utterly unable to protect themselves; and to reach them with a supporting force it was necessary to come from the coast, to bring thence all the supplies for the rations of the men. The transportation, therefore, must increase materially. The price of a barrel of flour on the upper branch of the Columbia river is not to be measured by the price it bears at the mill. I once knew a man on the plains to go to another man, who still had a little remnant of flour on hand, and ask him to lend him some, to be replaced when he got back to the garrison. The thing was treated as a broad joke. That is the sort of error into which my friend runs, in attempting to measure what is necessary to support these men on the upper branches of the Columbia by what may have supported them in a plentiful market. It was not to be bought there. It therefore had to be transported. It was to be transported over a rugged country, without roads, and over a country where horses did not tread upon the forage which would sustain them. Transportation, therefore, was necessarily expensive.

But the conclusion which my friend reaches was the reverse of that in my own mind. He says you may pay these men—he agrees to that—but then objects to this fearful amount of supplies. The supplies were on contract. Men who had property, and were willing to carry it to certain points to feed the troops, agreed to do so for a stipulated sum. That you are bound to pay. Unless you can show fraud in the contract, you are bound to pay it. You may appeal to the patriotism of the troops to abandon their claim for pay. To deny the rights of the men who sold this property to the Government to feed these troops in the campaign, would be such an outrage on

every principle of justice that I can hardly imagine the Senator from Kentucky would agree to it.

Then again, Mr. President, these campaigns to which my friend refers, and which are to him, as to myself, familiar as tradition, were against small bodies of Indians, who came in and committed a murder on some settler, and his neighbors rallied, and with their arms, went out to pursue the little band, and catch it if they could. They wanted no commissariat. Every man carried with him a little bread and meat, put it in his saddle-bags, mounted his horse, and pursued the marauding Indians. But here was a large organization over an extent of country of seven degrees of latitude. My friend from Oregon estimates them at ten thousand warriors, all under one chief, and that chief, as he has described, one of the ablest men of his race; and these concentrated for the destruction of all the white men upon the coast. Surely, sir, against such a force as that, with a body of men able to cope with it in a war prolonged for nearly a year, you are not to draw your inferences from men who went out on these little expeditions, carrying in their saddle-bags as much as they would require for a four or five days' jaunt, and returned by the time it was consumed.

The cases are so utterly different that no measure can be drawn from one which it is proper to apply to the other. If the amount is too great, I have been unable to detect it. It may be that the prices in that country were too high; but if those prices were such as the individual owning the property could get from other persons living in the country, the Government had no right to take it at less, and we have no right to say whether it was too high or not. The market price at the time and place is the measure which we must apply to the property we have taken from the individual and applied to the public use. If we have taken it by seizure or contract, it is the same thing.

It may be said that we are not bound by the contract for the supplies of these volunteer forces because they were not under our orders. Grant it. Then it resolves itself simply into the question, did we take the property, and was that property applied to the public use? We have already recognized that these volunteers were in service. It seems to me, whether you take it in one view or the other, we are bound to pay this price which was fairly charged for property taken and applied to the public use.

Mr. HALE. Will the Senator from Mississippi allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. HALE. I would like to know how the Senator infers that we have admitted that these volunteers were brought into

the public service?

Mr. DAVIS. I think it was admitted by the act of Congress which, when their claim was presented, so far recognized them to be in the service as to send their claims to the War Department to be adjusted; and that when the Department appointed a commission, and the commission reported, and the Secretary sent it to Congress, Congress ordered a reëxamination, with a view to a further adjustment of the amount which should be paid to these volunteers. It seems to me Congress has thus recognized these volunteers as in the service of the United States, and a debt which the public owed, and which had to be paid, but the amount of which was undetermined. That is the reason I say that Congress has recognized them as being in the public service. Two acts of legislation have so treated them. I will say, in all candor to the Senator from New Hampshire, that when Congress passed its first act, requiring the Secretary of War to adjust and settle the accounts of those volunteers, I considered that they had adopted the service of the volunteers, had closed the question which existed; for there was a controversy between an officer of the Army commanding in that department and the Governors of these Territories, as to whether they were rightfully in service or not. I considered that Congress had closed the question; and if I had thought proper to exercise the discretion—to take the hazard of judging of it without a commission—that I had authority, at that time, to settle and adjust the accounts, and send them to the Treasury.

Mr. HALE. Under what?

Mr. DAVIS. Under the resolution or act. I am not sure now what was the form of it.

Mr. LANE. A law.

Mr. DAVIS. My friend from Oregon has handed it to me. On the 18th of August, 1856, Congress passed a law which has the following provision:

"That the Secretary be directed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington by the territorial governments of said Territories in the maintenance of the volunteer forces engaged in said war, including pay of volunteers; and that he may, if in his judgment it be necessary, direct a commission of three to proceed to ascertain and report to him all the expenses incurred for purposes above specified."

That was the act.

Mr. HALE. Will the Senator oblige me—I want information—by stating if that is the act under which he, under any contingency, would have felt authorized to pay these claimants?

Mr. DAVIS. It says that he "be directed to examine into the expenses necessarily incurred," and so on, and that "he may, if in his judgment it may be necessary, direct a commission of three to proceed and report to him all the expenses incurred." Then it merely remained, either with or without a commission, for the Secretary to estimate, send it to the Treasury, and have it included in his annual estimate as a debt due by the Government. However, that is a matter of no consequence. The facts are that the commission was appointed; that the Secretary did not undertake to decide it; that the commission went out and reported; that upon the report of the commission the House has taken its subsequent action, directing the Auditor to examine the account: that on that reëxamination by the Auditor there was a report, a copy of which was sent to the Senate, was before the Committee on Military Affairs, and upon which they have reported a bill. I believe I have answered the Senator, if I understood his inquiry.

Mr. CRITTENDEN. I did not intend to debate this subject. There is nothing to debate, in fact. I got up, almost involuntarily, to express my great surprise at the enormity of this amount. In order to show that I had some little reason for it, I referred to other cases, more or less-no such exact cases, of course—that have come within my knowledge. I know nothing of the other side of the Rocky Mountains or of the Indians of the Rocky Mountains, or how warlike or unwarlike they are. I know nothing about the additional cost of supplies of the Army there; but when the gentleman talks about the difference between the warlike character of the Indians on the other side of the Rocky Mountains and the warlike Indians that lived on the other side of the Ohio. I think he is greatly mistaken if he gives any superiority to the Rocky Mountain Indiansa poor race, without heroism, and without the warlike character of the Indians of the State of Ohio. Those were the Indians against whom wars were waged, to which I referred the most warlike that ever existed on this continent, according to all the history I have ever read and all the traditions I have heard.

It was not to those little skirmishes I alluded, of pursuing, in numbers of twenty and thirty, roving bands of depredating Indians. For that there never was any payment. The Government of the United States never heard of them. They were paid for in the blood and at the expense of the men themselves. Their blood and their money went to pay what little was paid for such expeditions; and this Government never heard of them, and never rewarded them. But there were other campaigns. Was the campaign of Tippecanoe a little skirmish? Were the campaigns under Scott, and Wilkinson, and others known in our history, skirmishes? Was the battle of the Blue Licks a little Indian skirmish? California and Oregon never saw such as these, and I hope never may. They were fought by volunteers, and the Government, I venture to say, never paid one dollar. There was nobody there but the settlers of the country, and of them nearly one half of the population of the men perished on that day and in that battle. These were the little skirmishes, in comparison to what they have had in Oregon. No skirmishes, sir; but dreadful and bloody battles, fought almost hand to hand; and the battle I have mentioned, I mention with reluctance, because the white man had to fly before the Indian on that day, leaving behind him half his numbers. Those were not skirmishes.

I do not contend that these are cases exactly parallel. There may be circumstances that distinguish them; yet that there is thus far a parallelism that both were military expeditions, under different circumstances, I acknowledge. As to the supplies, one cost nothing at all, the other cost \$3,000,000. In me it waked up reminiscences, and I rose simply to express them. So anxious am I that every man who serves his country shall be paid for it, that, enormous as this seems to me, I shall vote for it. But I intended simply to confine myself to perhaps a very idle expression of my astonishment at it, and to declare that an Indian warfare, which was once a sort of sport to our countrymen, is now a costly luxury—very costly luxury—and I think the indulgence of it ought to be limited as much as possible; and when we are to pay for it, we ought to have some little to do with the making of the wars, and the judging for ourselves what force is necessary to resist them and to repel them.

Mr. DAVIS. My friend from Kentucky will allow me to ask him whether these campaigns of Tippecanoe, and of Scott and Wilkinson, were made without transportation?

Mr. CRITTENDEN. I did not speak of that; but I take it for granted they were, with very little transportation. If he will ask me as to the battle of Tippecanoe, I can come a little nearer to it, for that comes down more within my time.

Mr. DAVIS. Did they not have transportation there?

Mr. CRITTENDEN. I dare say they had transportation, but nothing like this. The difference between that and this is what astonishes me.

Mr. DAVIS. I think, Mr. President, that in the House bill they allowed a little margin in the allowance to volunteers over that of regulars, and it was merely that margin which belongs to their inability to husband all their resources, as disciplined troops; and that the transportation, therefore, must have conformed very nearly to the allowance of regular troops in like service.

But as to the battle of the Blue Licks, it is exactly as I stated; a case in which people living in the country, all of it fertile, and all protecting themselves, turned out against the Indians. I do not know how many men were engaged there. I suppose a very small number, compared with those of the Columbia river.

Mr. CRITIENDEN. I do not know what their number is. Mr. DAVIS. I suppose there were about fifty men at the Blue Licks.

Mr. CRITTENDEN. There were four or five hundred, and divers hundreds of them killed.

Mr. DAVIS. Well, there were a good many more than I supposed. It is, however, still the case which I present of men who go so short a distance from home that they carry each their supplies with them; and do not require transportation. There is the difference.

I merely wish to say, before I stop, however, that this question had been before the War Department; it had been argued by the Governors of the two Territories; it had been argued by the general commanding the Pacific department. Their statements conflicted. The general commanding in that department insisted that there was no use for volunteers; that the Governors were behaving badly; and the Governors declared this general was recreant to his duty; that they had no protection; and it could only be obtained by calling out their own citizens to protect their own frontier. In that state of the case, Congress took up the question. They acted upon it in the manner which I have said; and now I think they should close it.

Remarks of Jefferson Davis on the Army Appropriation bill. June 2, 1860.

Mr. DAVIS. The particular item to which the Senator from Maryland has referred was deemed so important that, after the reduction of the estimates in the House, the Secretary of War sent a communication to the Committee on Military Affairs of the Senate, asking them to provide an amendment to restore that amount, so as to enable him to make the necessary repairs and constructions of barracks and posts. There is also a necessity, on account of the location of some of the new summer cantonments and frontier posts, for the purchase of stoves, they being in a situation where they cannot get material to build chimneys as cheap. If the Senator from Illinois will refer to the detailed estimates of the quartermaster's department, he will find every item stated; and it seems to me but fair, as has been stated by the Senator from Maryland, that before an attempt is made to reduce an estimate, the particular item should be selected and marked for reduction. To announce that \$593,882.60 is too much, and therefore we will make it \$300,000, is child's play, to say no worse. If you cut down the appropriation this year, you merely make a deficiency the next, if the service must be performed. It will require more the next year, if it be a barracks going out of repair, than if you made the appropriation this year. If the House and the Senate think proper to disallow some estimate that is made, to say that some service shall not be performed; that some expenditures shall not be made, and erase that item, then it is an intelligible thing. The Department governs the service by the instruction of the Congress, and the appropriation being reduced, the service is reduced; but this gross manner of reduction in a mere item of the bill, without indicating what service is to be reduced, avails nothing except to increase subsequent expenditure, or to bring in a bill for deficiencies the next year.

Mr. WILSON. I suppose, sir, that the Committee of Ways and Means in the House had these estimates before them, as well as the Senate Committee on Finance, and the committee in the House reported \$300,000; that is the sum which was granted last year. I do not agree with the Senator from Mississippi, that because these estimates have been made, we are therefore to single out the items for which the appropriations are to be made, and reject the others. These estimates were

made. In the opinion of the House of Representatives, \$300,000 was all that was necessary to be expended for these purposes; and they left the Secretary of War the discretion of saying how he would spend that amount, and what matters he can dispense with best. The expenses of the War Department have increased very largely.

Mr. PEARCE. They are reduced this year.

Mr. WILSON. They have decreased, it is true, this year; but for the last few years the expenses of that Department have increased until they amount to a very large sum. I think it is for the Congress of the United States to say what amount shall be expended for the Army. I do not think we are under any obligations to take the estimates of the Department, although those estimates come here in detailed form. I shall vote for this bill as it comes from the House of Representatives, for I have great confidence in the Committee of Ways and Means of that House in regard to this subject.

It is said by gentlemen here that if we reduce this sum the Department will expend the money, and then we shall have a deficiency bill. I hope the Department will do no such thing; but that they will expend the money which is granted, and no more, and expend that money for such services as are absolutely necessary to carry on the Government; and that we shall adopt, in regard to the Army, as well as other Departments, the most rigid economy that is possible to be adopted.

Mr. DAVIS. There are a few cases not at all covered by the remarks of the Senator from Massachusetts. If he will look at the item, he will find that it is only for posts which it may be necessary to occupy during the year:

"For repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops; of storehouses for the keeping of military stores; of grounds for summer cantonments," &c.

Congress surely have the right to control the expenditures of the Department. They can direct where the troops shall be stationed, if they please. They can require the troops to be concentrated. They can reduce the expenditures in that manner, and reduce them very largely. Instead of that, however, the action of Congress has been the reverse ever since I have known anything of it. The point of my remark, which it seems was not appreciated, was, that if a particular service is to be performed, and an estimate is made of that service by persons experienced in it, it is the duty of Congress to change the service, if they wish to reduce it; not to say to the Department, "you shall perform the service with less money." It has been tried, and cannot be done. The chances are ten to one that they will fall short, rather than exceed the annual estimate.

Then, again, suppose that, at a post occupied—that seems to be the purpose of this clause of the bill—the buildings are going out of repair, and you allow them to go for a year, falling more and more into decay; at the end of the year your expenditures will be greater than they would have been if the appropriation had been made this year. If you postpone, the amount will necessarily increase. The hire of store-houses, the transportation of troops, and such other things as enter generally into the quartermaster's department, cannot be postponed. They are expenditures authorized by law to be made, whether he has money or not. They therefore form the just cases of deficiency; and whenever Congress does not appropriate a sufficient sum of money, you cannot prevent it by cutting down the sum, unless you change the service.

The question being taken by yeas and nays, resulted—yeas

24, nays 17; as follows:

YEAS—Messrs. Bayard, Benjamin, Bragg, Bright, Chesnut, Clingman, Davis, Fessenden, Fitch, Fitzpatrick, Foster, Green, Hemphill, Iverson, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Rice, Saulsbury, and Wigfall—24.

NAYS-Messrs. Anthony, Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Hale, Hamlin, Harlan, King,

Sumner, Ten Eyck, Trumbull, Wilkinson, and Wilson—17.

So the amendment was agreed to.

The next amendment of the Finance Committee was in lines one hundred and forty-four and one hundred and forty-five, to increase the appropriation "for ordnance stores and supplies, including horse equipments for the mounted regiments," from \$250,000 to \$300,000.

Mr. PEARCE. That is a restoration of the estimates.

The amendment was agreed to.

The PRESIDING OFFICER, (Mr. Foster.) The amendments reported by the Committee on Finance have now been acted on.

Mr. DAVIS. I move to strike out the latter portion of the last clause in the bill. That clause provides:

For the manufacture or purchase of apparatus and equipments for field signals, \$2,000. And that there be added to the staff of the Army one signal officer, with the rank, pay, and allowance of a major of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal duty, and of all books, papers, and apparatus, connected therewith.

I move to strike out all after the word "dollars."

Mr. LANE. How will it read then?

Mr. DAVIS. As follows:

For the manufacture or purchase of apparatus and equipments for field signals, \$2,000.

It will not add any officer to the staff.

Mr. LANE. I think we had better have that officer.

Mr. DAVIS. That is a question for the Senate to decide.

Mr. LANE. I trust the amendment will not prevail. I do not want to make a speech; I do not want to take up the time of the Senate. I look upon this provision of the bill as a very important one; and my own judgment, after considering the matter as well as I could—sufficient, at least, to satisfy myself—is, that the provision of the bill, as it stands, is important to the country, and ought not to be stricken out; and I trust it will not be stricken out.

Mr. KING. This is a proposition in relation to signals, which a gentleman now connected with the Army has invented, or has, in some mode, improved, so as to render his system satisfactory to the Secretary of War, who, I understand, is very desirous to have this system introduced into the Army. I understood that it had the sanction of the Military Committee of the Senate. It was, at any rate, before that committee, and I know received the approval of many members of it. There was a discussion as to what rank this officer should have. The question of rank from colonel to captain was talked about, and it was finally agreed that he should take the place of major. I think he holds the rank of captain now. Upon the whole, I regard it as a desirable thing to make the trial. The Secretary of War, I think, decidedly recommended it. I simply state that, in my judgment, it is rather desirable to retain the section, though the chairman of the committee has a much better knowledge of all military affairs than I have.

Mr. DAVIS. If the Senator from New York had been a little more regular in his attendance on the committee, he would have known that this was not recommended by the committee.

Mr. KING. I did not say it was recommended. I say, I understood it had the approbation of a majority of the committee. It is spoken of there. It was not recommended, I believe, and I did not say so.

Mr. DAVIS. Neither the Secretary of War, nor the committee, was for the measure as it stands here. There are two facts, to begin with. My objection to it I will state very briefly.

Mr. KING. Did I understand the Senator to say that the Secretary of War was not favorable to this?

Mr. DAVIS. You understand from me just what I say.

Mr. KING. I did not hear.

Mr. DAVIS. Well, if you did not hear me, I will repeat that the Secretary of War did not recommend it in the form in which it is here presented. He recommended a signal officer.

Mr. KING. That is all. I did not speak of the special form; but that he was in favor of trying this system in the Army.

Mr. DAVIS. He recommended a signal officer, with the rank of captain. In addition to that, I will say that we have a large staff for the present size of our Army. It is necessarily large in time of peace, because it is intended to answer the ends of all the militia force to be employed in time of war; but I do not think it advisable to create new departments of the staff; I do not think it well to institute another branch of the staff. If we begin it, where are we to stop? I have recently heard of very great improvement in pontons. Shall we make a ponton officer, and attach him to the staff, with the rank of major? And what may we not include? There are improvements in breech-loading arms. Are we to make a major who shall have charge of these? Thus we may go on indefinitely, with every improvement which may be made in any of the means and appliances of military service, to add as a new officer to the staff, every such inventor.

I think there is great merit in the plan which is submitted by this officer of the medical staff. I think it ought to be introduced into the Army, being an improvement over any system of military signals which has ever heretofore been introduced. But with special qualifications, giving minute attention to the subject, I think he has evolved from it more than any one who has ever before studied it. I think it is well to introduce this system of signals; and for the labor this officer has bestowed upon it, outside of any official duty which could have been devolved on him, he is entitled to compensation, reward of any kind except that which affects the general service. As an officer of the medical staff, he certainly could be employed on

signal duty if the War Department desires it. I do not think it necessary to create an officer of the staff, of the rank of major. to give him charge of signals. To make it plain in a sentence, a single officer will be of very little value to make any use of these signals. You must have an officer instructed in their use with every division of the Army in the field. Every adjutant general of the Army, if instructed, would barely supply a sufficient number to make these signals effective in the field. A single officer, with the rank of major, might overlook the preparation of signals; but who is to use them? Some one instructed must be with every division of the Army. It must, therefore, belong to a department of the Army, the engineers, the adjutant general, or any other department you please; but the creation of a single officer outside of any organization, and put under the orders of the Secretary of War alone, himself a bureau officer changing every four years and knowing very little of the military service, seems to me such a departure from every principle which should govern military operations as. to my mind, requires that the Senate should at once reject it. Make an appropriation for signals; I am willing to vote for an appropriation of money, for he has contributed what I esteem valuable; I am willing to give him any recognition, any honorable reward, which it may be thought proper to bestow. This, however, is a departure from all military principle, and as such I must oppose it.

Mr. LANE. As I said before, I do not intend to discuss this question at all. I examined it; and I can say, with the chairman of the Committee on Military Affairs, that I look upon this as a very important improvement indeed. It has advantages over any system of signals that has been discovered before by civilized man; and it has been the study of the world, ever since war was known, to form some system of signals by which an army could be notified at any distance of impending danger, of the movements of an enemy, of the time to take up the line of march, and all that. This system in itself is complete. In my judgment it has merit, and ought to be rewarded. This gentleman, who has devoted so much of his time to maturing it, bringing it into use, and satisfying every man who has examined it of its great importance, is in my opinion entitled to at least that which is provided for him now. I do not see how it can be carried on without an officer placed in charge of this very duty. Make him the signal officer, and he will instruct the adjutants of all the corps in the service, and instruct officers who will be with each corps of the Army, who

will understand the use of it, under his direction. He has discovered this important system of signals, and I can see no other way of rewarding him. It is unpleasant for me to differ at all from the honorable Senator, the chairman of the Committee on Military Affairs; but my own opinion of this matter is that it is important, and I must therefore differ from him on this point. I hope the Senate will not strike out the clause, but will retain it, and establish this office with this gentleman at its head, under whose direction a system can be made so perfect that at any time when it may be necessary to use signals to notify our forces of the approach of an enemy, or anything necessary to be known, it may be done. Indeed, it is so perfect that he can communicate at a distance of fifteen miles with one who understands it, who can be instructed by him in a few hours, so as to convey an order as accurately as he could deliver it if he were there in person. Then, see the importance of it. Why should not this man be rewarded, when he has made this important discovery, with a position that will enable him to instruct all the Army officers, if necessary, or as many as may be necessary, in the use of these signals? I hope and trust the clause will not be stricken out.

Mr. PEARCE. I have been informed, sir, that an officer of the Army—a medical man, a gentleman of property, not greedy after money—has devoted a good deal of time to the improvement of military signals for field service; that he has discovered very great improvements, which make them of value, as the Senator from Mississippi has stated; that he has tested these improvements, so far as it is possible within a narrow compass; that it is now desired to test them and apply them in field service; that for this purpose it is supposed that the man who has made these discoveries and perfected the improvements should have the control of the operations for their use, at all events in the beginning, in field service; that for that reason it is desirable that he should have some such rank as would give him more authority than as a medical man he would have; and, besides, that this is the only compensation which he desires. He does not wish to make money out of it. I understand. I do not hear that he has taken out any patent for it. or that he desires the Government of the United States to pay him a large sum of money for it. He wants compensation in this way. It struck us as proper that the man who had invented this system should have control of it during the time of its being tested in field service; and if it be allowable to create an officer with such duties as are proposed to be assigned

to him in this clause of the bill, we could see no objection to it. How far it is objectionable on the score of military rule or principle I really do not know; and I will not set up my opinion in opposition to that of my friend from Mississippi, who knows so much more than I do about all military and Army matters. I merely state the reasons which induced the Committee on Finance to retain the clause.

Mr. DAVIS. My friend from Maryland will allow me to call his attention to that of which he is as proper a judge as any one—the facility with which we shall go on increasing by adding a new major to the staff of the Army for every new improvement which may be made in the means and appliances of war. Military signals are as old as the time of Polybius. They have gone on with improvement from time to time. I believe these now under consideration are better than any heretofore known. Signals are older than pontons or breech-loading arms. Will you make a major for each of these? And why should you stop at military signals? If an improvement in military signals furnishes a sufficient reason for adding a major to the Army, it must be followed by a major for every improvement in every other appliance known to war—guns, and everything else.

Mr. WILSON. I think the Senator from Mississippi is in error in this statement. The officers of the Army are supposed to understand how to teach the use of arms; and therefore it is unnecessary to do anything more than to make a bargain with a man who makes a discovery in arms, of any importance whatever, and pay him for it. It is not necessary to put him into the Army to instruct anybody how to use his arms. The officers of the Army understand that. Here is a gentleman, connected with the medical department of the Army, who has made a discovery which, it is admitted by all who have seen it, to be of great merit—a system of signals surpassing any ever discovered. Now, sir, he does not ask us to grant him a sum of money; but nobody in the Army understands how to use these signals, and the proposition is, to establish this department, with him at the head of it, he bearing the commission of a major in the staff. What is the object? Take these signals, and put this officer in the staff to teach the officers of the Army how to use them!

Mr. DAVIS. The Senator from Massachusetts will remember that he is in the staff of the Army now, with the assimilated rank of a captain.

Mr. WILSON. This gentleman, Captain Myer, is in the med-

ical department of the Army. Now the proposition is to appropriate \$2,000 for these field signals, and that there be added to the staff of the Army one signal officer, with the rank, pay, and allowances of a major of cavalry. The object is to reward this gentleman for this great discovery. It is a mark of honor. It establishes this department in the Army, and this officer at the head of it, to instruct the officers of the Army in the use of these signals. I think there has been, I think there can be, nothing like it in any other discoveries. Certainly, if we use the signals at all, we should want this gentleman to instruct the officers of the Army how to use them in field service. I understand that by these signals bodies of men miles apart can communicate with each other as easily as we can from one side of this Chamber to the other. I think it is but a small reward to this officer, who bears now, I believe, the commission of a captain in the service, to give him the rank of major, and attach him to the staff of the Army, to be under the control and direction of the proper officers, as an instructor in the use of these signals which he has discovered.

Mr. WIGFALL. Mr. President, I do not understand the argument of the Senator from Massachusetts, or I do not see the force of it. I judge that if we were to go to war with some foreign country, that country would hardly agree with us for all of their men to come together, and then all ours to get together, so that, by this newly-invented mode of making signals. we should be able to defeat them. I take it that this is a simple thing, as all matters of science and of practical use are, that can be understood and comprehended. If it is not, it is useless. If we go to war, of course we shall have an Army in the South; we shall have a northern wing; we shall have one upon the Pacific; and we shall then have a dozen subdivisions—there is no telling where the enemy is coming; and each division must act under its own commander; and each commander must have his own military family around him, his own staff officers; and when ten, or fifteen, or forty, or fifty thousand men are brought together in the field, they must be operated by the commanding general, and with such means as they can use.

Now this doctor, who is to be made a major, has no ubiquity; he cannot be divided and cut up and carried over the country, sometimes on the lakes, sometimes on the Gulf, sometimes on the Pacific, and sometimes on the Atlantic. If the thing is worth anything, it is because it can be comprehended and used. The idea of taking a man because he has invented either a mode of breech-loading, or of making signals on the field of battle.

where there are large masses of men together, and that he is to be put into the staff for that purpose, because he is the only one who can use it, seems to me to be simply absurd. If there is any merit in the invention, it is that it is simple and easily understood, and can be used practically in the field.

Mr. LANE. It can be used everywhere where troops are.

Mr. WIGFALL. If it cannot be, then I am not willing to pay the \$2,000. If it can be, then I see no use of putting him in the staff. That is the way it occurs to my mind. It either is a good thing, or it is not. If it can be used everywhere, then I am willing to pay for it; if it cannot be, then I am not willing to pay for it; and certainly, in neither event, am I willing to make a man who has been instructed how to cut off legs after people are shot, and to tie up arteries, a special officer, and put him in the staff, when probably very many valuable lives will be lost while he is making signals instead of tying up arteries.

Mr. PEARCE. If this is to create a new corps of officers of the Army, I shall certainly be opposed to it. We are compelled to have armies. It is a national necessity, and one to be deplored, I think; for although it has been said they are the pillars of the State in war, they are also caterpillars in peace. But, sir, I did not, by my former remarks, mean to claim any authority on my part with the Senate for this amendment, but merely to state the reasons which had induced the Committee on Finance not to except to the provision as it came from the House. I shall be satisfied with the action of the Senate, whatever it may be, on the subject.

The question being taken, there were, on a division—ayes 9,

navs 20: no quorum voting.

Mr. DAVIS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 18, as follows:

YEAS—Messrs. Bayard, Benjamin, Bragg, Chandler, Clingman, Collamer, Davis, Fitzpatrick, Foster, Grimes, Hale, Harlan, Hemphill, Iverson, Johnson of Tennessee, Pearce, Polk, Rice, Saulsbury, Slidell, Toombs, and Wigfall—22.

NAYS—Messrs. Anthony, Bingham, Brown, Chesnut, Clark, Dixon, Doolittle, Durkee, Fessenden, Fitch, Hamlin, King, Lane, Latham, Seward, Ten Eyek, Trumbull, and Wilson—18.

So the amendment was agreed to.

Mr. LANE. Is it now in order to move to strike out the remainder of that clause?

The PRESIDING OFFICER. It is.

Mr. LANE. Then I make that motion. I move to strike out the clause:

"For the manufacture or purchase of apparatus and equipments for field signals, \$2,000."

I want to let it all go together. The inventor of this system, which I think is the most important thing in the way of signals that has ever been invented for the use of any army, has been refused, as an appropriate reward, a position where he could be useful. Money is no object to him. I hope he will never consent to let it go into the Army to be used unless justice is done to him—that justice which he asks, and which I believe is right. If he has any spirit at all, the money, if appropriated, cannot be used for the Army. Therefore, I want it stricken out, and I hope the Senate will strike it out. We do not want signals; the country does not need them.

Mr. DAVIS. The Senator's views on the proper spirit of an officer differ very widely from my own. I think when an officer has discovered anything while in the military service, while in pay of and employed by the Government, while he is furnished by the Department with aid and assistance to make the discovery, his spirit would be to give it to his Government at all times, and that I am sure is the feeling of this gentleman.

Mr. LANE. Then I mistake the man very much.

Mr. DAVIS. Moreover, sir, the \$2,000 is not for the benefit of the individual. It is to purchase the apparatus with which to operate; and he has been operating now all about the harbor of New York with a lieutenant of engineers, using such apparatus as he had, such as he exhibited before the committee; and I think he is very willing to give his knowledge to his own Government and to the service to which he belongs. I hope, therefore, the appropriation of \$2,000 for buying machinery will not be stricken out.

Mr. LANE. They ought to go together. They ought not to be separated. I am satisfied that I am right about it.

Mr. DAVIS. If he does not want the Government to have it, of course they cannot take it at all.

Mr. LANE called for the yeas and nays; and they were ordered.

Mr. DAVIS. That the matter may be understood by the Senate, I will merely state that this officer has been engaged for a considerable period with an officer of engineers in making experiments upon this discovery with such signals as he was

able to obtain. This is an appropriation to increase the amount which would be justly applicable to the use of such signals as he has already been employing in his experiments. If there is any temper on the part of the Senate, I should be sorry to see it exhibited in this form.

Mr. LANE. Well, Mr. President, I do not want to take time. I only desire to say that this gentleman has spent very much of his time in perfecting the system of signals—

Mr. DAVIS. The Government's time.

Mr. LANE. No, sir; he discharged these duties outside of his line of service, and for the good of the Army and the country. I hope nothing will be done in relation to this matter, until the Senate can have an opportunity of examining it, at some other time, and when this officer can be allowed the position that he ought to have—that of a staff officer of the Army, whose duty it shall be to instruct the officers of the Army in the use of these signals, as a reward of merit. In that way it can be reduced to a system; it may be diffused through the whole of the Army; officers everywhere may be instructed, and may be on duty everywhere, North and South, on the Pacific and on the Atlantic. Until that can be done, I hope no appropriation will be made; but let it all fall together, or let this gentleman begin anew, and let him give his attention to sawing legs, if you choose.

Mr. KING. I have no feeling at all about this matter; but I do not suppose that this appropriation of \$2,000 is necessary to enable the Secretary of War to make experiments with these signals. As I understand it, he has been doing so out of the general appropriations. The Departments have authority, and divert appropriations from one purpose to another. Although I was disposed to sustain the proposition to give this officer a special position, somewhat as a reward for him, I have no great feeling about that, but I do not think there is any necessity for this appropriation, unless it is to set up a department of this sort. As I understood it, the Secretary of War desired that. Therefore, with no feeling about the matter at all, I shall vote with the Senator from Oregon.

Mr. DAVIS. The Senator from New York is mistaken, if he supposes Congress appropriates money to be applied at the discretion of the Secretary of War. It is all of it appropriated for specific objects, except a contingent fund. Out of that fund, he may draw, and does draw, occasionally, small amounts for expenses which could not have been anticipated, and were not,

therefore, estimated for. I suppose he knew he wanted the

\$2,000, or he would not have asked for it.

Mr. KING. He asked for it in connection with this matter. The Senator from Mississippi, in communicating the information that he does to me in the beginning, takes it back when he says the Secretary of War has a contingent fund, out of which he may use money for this purpose. That is what I supposed.

Mr. DAVIS. That is not what you said. You said he trans-

ferred money from one object to another.

Mr. KING. Have they not the authority to do that?

Mr. DAVIS. The law will answer the question.

Mr. KING. It gives it; and they are constantly doing so in the Department.

Mr. DAVIS. Oh, no, sir, the law specifies very few objects. The question being taken on the amendment of Mr. Lane, by yeas and nays, resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Bingham, Chandler, Dixon, Durkee, Hamlin, Harlan, King, Lane, Latham, Polk, Seward, Ten Eyck, Trum-

bull, and Wilson-14.

NAYS—Messrs. Anthony, Bragg, Brown, Chesnut, Clark, Clingman, Collamer, Davis, Fessenden, Fitzpatrick, Foster, Grimes, Hale, Hemphill, Iverson, Johnson of Tennessee, Nicholson, Pearce, Rice, Saulsbury, Sebastian, Wigfall, and Wilkinson—23.

So the amendment was rejected.

Mr. LANE. I want to offer one more amendment.

Mr. DAVIS. Will you allow the Committee on Military Affairs to offer theirs?

Mr. LANE. I think this is the right place, and I submit it to the Chair. We are now at the end of the bill, I believe.

The PRESIDING OFFICER. The whole bill is open to amendment.

Mr. LANE. I propose the following amendment at the end of the bill:

That the term of instruction at West Point shall be four years. Mr. DAVIS. If the Senate are going to entertain that, it will be necessary for me to use some information which I have already laid before the Senator from Oregon, and I am a little surprised at his presenting the subject in this form and at this place. I hope the Senate will not entertain it at this time and place, because it is very clear that the subject is one that requires full examination and deliberation, both as to the propriety of this step and as to the legislative authority to do it.

Mr. FESSENDEN. I should like to hear from the Senator from Mississippi a reason, if any can be given, why it is improper at this time and place. If it is, I have nothing to say about it; but I should like to be satisfied upon that point, as I am in favor of this amendment, which I offered myself, and withdrew at a former period, to another bill, at the suggestion of the Senator from Mississippi.

Mr. DAVIS. I have a great many reasons. One which I suppose would have been sufficient to the Senator from Oregon, was that, as chairman of the Committee on Military Affairs, I was charged with a great number of amendments, quite as many as I expect to be able to explain; and the introduction of a subject like this, which we know must lead to debate, before the committee have had an opportunity to offer any of the amendments which they proposed to the bill, which they, as the particular committee of the Senate, are charged with, I think really out of time and out of place.

Mr. FESSENDEN. That is a personal question.

Mr. LANE. I am sure the Senator will never charge me with any want of courtesy and kindness. I would not intervene at any time to prevent the chairman of the Committee on Military Affairs from offering all his amendments. It struck me as being a proper time and a proper place in the bill to offer this, or I should not have offered it at this moment. It is offered, however; and if in order, I am disposed to adhere to it, for it reduces expenses at West Point so far as preparing officers for the Army is concerned. It brings them into the service one year earlier than they are now brought in, and a greater number can be educated under the provisions of this amendment at the same cost. The term there fixed is quite sufficient for acquiring the education necessary for the service. Until recently it was the term-since 1816 or 1824, I do not recollect which—and was fixed as the term of instruction for many years; and the Academy under it turned out good menas good as it ever can turn out, or as any military school in the world ever did, or ever will. There has been a good deal of confusion there in consequence of the change. Sometimes it was understood that the course was four years, and then five years; and then four years, and five years. I think Congress has the power to fix the term, and I hope it will fix the time that has always prevailed there since a term of instruction has been fixed at all. I only offer this amendment because I want it adopted, and I hope it may be done without discussion. There is no good reason why much debate should spring up on this amendment, for every Senator understands it, and I trust it

may be adopted.

Mr. DAVIS. Mr. President, the Senator from Oregon was entirely aware, as a member of the Committee on Military Affairs, that the chairman was instructed to report a large number of amendments. As this was the appropriation bill for the Army, it was supposed, when the Committee on Finance concluded their amendments, that the Committee on Military Affairs would offer such as that committee thought proper to append; otherwise, it would have been necessary to send the amendments to the Committee on Finance to be adopted or rejected there, in order that they might come in first for consideration. The Senator from Oregon, however, has thought proper to introduce his amendment, and thus to interrupt the duties which, in another capacity, he had charged me with as chairman of that committee.

Mr. LANE. I will say to the Senator, if he will allow me, that I do not desire to interrupt the offering of amendments by the committee; and if there be no objection to offering this amendment at the end of the bill, when he is through with his amendments, I will for the present withdraw it.

Mr. DAVIS. I am perfectly willing to discuss the amend-

ment at any time.

Mr. LANE. Will it be in order to offer it as well after the chairman of the committee has offered his amendments as now?

Mr. BROWN. Certainly, as much in order then as now.

Mr. DAVIS. A little more so.

Mr. LANE. Then, with a view of giving an opportunity for the offering of all the amendments prepared by the Committee on Military Affairs, I will for the present withdraw this amendment, with the understanding that I shall offer it at the proper time.

Mr. DAVIS. As instructed by the Committee on Military Affairs, I now proceed to the duty with which I am charged, which at least has the advantage of not being personal either to myself or my friends. After line one hundred and ninety-

four, it is proposed to insert this amendment:

For the construction of a military post in or near the valley of the Red River of the North, between the forty-sixth and forty-seventh degrees of north latitude, \$50,000; the site to be selected and the post built under the direction of the Secretary of War.

Mr. PEARCE. I should like to inquire from the Senator, who is chairman of the Committee on Military Affairs, what

is the necessity for this appropriation? If I mistake not, it is the same which was offered some years ago in the Senate, when he was at the head of the War Department, and was rejected by the Senate. Is the fort to be at or near Pembina?

Mr. DAVIS. That is it.

Mr. PEARCE. We then thought it was unnecessary.

Mr. DAVIS. I will merely state that, at the period to which the Senator from Maryland refers, provision was made of some very small sum of money for the construction of a post at or near Pembina. The amount was so very small that no attempt was made to construct it; but a report was made to Congress that the amount appropriated would barely suffice to send out a party to reconnoiter the ground. Subsequently another appropriation was made, a larger amount, under which, as I understand since-I had no connection with it-some huts have been erected; and there are, I think, now three companies there in huts. It is now asked to have a larger appropriation made, in order that they may build a more permanent cantonment or barrack, and change the location to a point further south on the Red River of the North. The argument has been from time to time presented that this post was very necessary to control the half-breed Indians who rove on the northern side of our territory from the British possessions, and who are said to be well armed, well mounted, men of more than ordinary efficiency.

As to the immediate necessity of it, the pressing want of the frontier, I think I had better leave it to the representative from that portion of the country, [Mr. Rice,] as he knows very well the character of the people, the Indians and the settlers, to state to the Senate what the facts are.

Mr. RICE. Mr. President, there have been two appropriations made for this purpose—one of \$5,000, and the other of \$20,000. The people of that country have memorialized Congress for years; and the Legislature of the Territory and of the State of Minnesota have also memorialized Congress upon various occasions. There is a large settlement upon the river. There is a large settlement at Pembina. It is entirely unprotected. We have not upon the northern line a post from the Great Lakes to the Pacific. Two years ago the Sioux of the plains stole upwards of two hundred head of horses and cattle from those settlers. Hardly a year has passed, for the last fifteen or twenty, but what more or less lives of American citizens have been taken. The last that I recollect of was a lady whom I knew, who went from Cincinnati. She was shot while attending a

sick child in the night. Recently, just south of there, two or three white men have been murdered.

That portion of the Red river lying within the United States is a division line between the two greatest warlike Indian nations within our limits—the Sioux and the Chippewas. There has not a year passed but what large parties have gone from one tribe against the other. In these excursions they must necessarily pass through our settlements; and wherever a large war party makes its trail, it is sure to leave devastation behind. Last season a steamer was placed upon that river. It is now in succession operation. The Indians this past winter threatened to destroy it; and the owners were obliged to send a great distance, and at great expense, a force to protect the boat and other property. There are now one hundred teams employed constantly in transporting supplies for the Hudson's Bay Company, from St. Paul through to the head of the navigable waters of that river. They are constantly subject to be annoyed by these Indians.

Just north of the line there is a very large settlement of British subjects, containing some fifteen or twenty thousand people. The British Government have a fort in the settlement upon their side, well garrisoned. It is an almost daily occurrence that the half-breeds and other British subjects cross over into our territory and commit violence and destroy property. We had no troops, not a soldier within five hundred miles. We have upon that river a Government land office. The land officers petitioned for protection against the Indians. They go into the villages and they destroy property. But a few days since, a party of the Chippewas went against the Sioux, and there is a town on the upper waters of the Mississippi, Sauk Rapids, which the Chippewas passed through. The New Era of that town says:

"The Chippewa party passed through town homeward this morning, bearing the four bloody scalps of the unfortunate Sioux, as trophies of their victory. One of the party had the entire head of a Sioux in a bag, which he exhibited on the door step at Day's Hotel. Weary with the load, he took it out, made merry over it, took off the scalp, and threw the bloody remainder away. Afterwards, a young Chippewa rolled it over and over, cut a gun string from it, and went away rejoicing."

I think that humanity, and even a decent respect for the lives of the Indians, and far more, the protection of our own people from such disgraceful scenes, should induce the Govern-

ment to pay some little attention to that country. Troops were ordered there, I think, two years ago. They remained, as the Senator from Mississippi said, in huts. When winter came it was found that it would be impossible for them to remain longer. They were ordered south, where they could obtain quarters. Last winter passed away. The necessities were such that the Secretary of War was compelled to order three companies there again. If they are to be ordered there during the summer, and away during the winter, one half of the season the country is protected, and the other half left to the ravages of the Indians, you will find that the expense of transportation of these troops back and forth will cost much more than this appropriation. I presume the expense last fall of ordering them away, the transportation down south, and back again north, amounted to more than fifty thousand dollars. This measure was recommended by the former Secretary of War, and has been by the present Secretary. I do not wish to discuss it. It appears to me so obviously necessary that there can be no doubt in the mind of anybody in regard to it.

Mr. PEARCE. I do not know whether this sum of \$50,000 is all that will be required for the erection of this establishment, whatever it be. If \$50,000 is intended, not for a military fortness, but for the accommodation of troops who are ordered there now, and may be retained there, I believe I should make no objection to it; but if it is for a military fortness, a place to stand a siege, a stronghold, there is no necessity for it in that section of the country, and it would be of no use for you to build a fortness there. If it is merely for the accommodation of troops, to give them protection from the inclemency of the weather, I make no objection. A fortness, even if it were garrisoned up there, would not protect the country from incursions of Indians, nor from intrusions of British officials; but if it is for the protection of troops now there, and likely to remain there, I shall not object.

Mr. DAVIS. I think I can explain to the Senator from Maryland, if he will permit me.

Mr. PEARCE. Certainly.

Mr. DAVIS. I think I can tell the Senator the foundation of the difficulty. Many years ago it was decided that, instead of the great variety of names, such as barracks, cantonments, and so on, all the inferior posts should be called forts. They are not forts in strictness of language. They are mere barracks; but they are called forts. This is to build barracks. I suppose nobody has any idea of erecting a fortification there.

Mr. RICE. That is all. The only object is to furnish quarters for the troops for the length of time it may be necessary to keep them there; and here is a letter from the Quartermaster General, in which he states that the sum asked for will, in his opinion, be sufficient for the object.

Mr. FESSENDEN. I understand that this embraces the

purchase of a site.

Mr. RICE. No, sir.

Mr. FESSENDEN. I should like to hear the amendment read again.

The Secretary read it, as follows:

For the construction of a military post in or near the valley of the Red River of the North, between the forty-sixth and forty-seventh degrees of north latitude, \$50,000; the site to be selected and the post built under the direction of the Secretary of War.

Mr. FESSENDEN. I should think that embraced the purchase of a site.

Mr. RICE. I will state to the Senator that the land there all belongs to the Government and the Indians; and the Government never purchases sites from the Indians for forts. Upon the west side, where the present huts are, every acre belongs to the Indians. It is within the Territory of Dakota.

Mr. FESSENDEN. It may be supposed to be so, but it may

turn out to be otherwise.

Mr. RICE. It will be acceptable to me if the Senator would

amend it so as to prevent the purchase of a site.

Mr. FESSENDEN. As I understand, there are troops there now, and it is not proposed to send any greater number there. It is a mere question, therefore, of accommodation; and a question with which the section of country has nothing to do that I perceive; because it does not propose anything of a nature that is to be what is called a permanent establishment. It is a mere question, as I understand it, whether the troops that are kept there shall be kept in one way or another. Heretofore they have been accommodated, it seems, in huts, and have been there in what military men call cantonments; and now it is proposed to provide something in the shape of permanent barracks for their accommodation, and to select a site, necessarily, if the Secretary cannot find one. If he cannot find one that is on public property, he is to purchase private property for a site. I think this may as well be deferred, in the present state of the Treasury, at any rate. If it was a question of protecting the country; if the country was destitute of protection, and was to be better protected in this way than any other, I should make no objection to it; but as I understand from the chairman of the Military Committee, it will not make any difference in regard to the amount of troops, but is merely a question of accommodation for the troops. It does not appear that they have suffered heretofore, or will suffer hereafter, though their accommodations may not be quite as good as they could be.

In the present state of the Treasury, I think it might be as well to defer this; at any rate, I have seen so many instances in the last three or four years, where, when a certain gross sum of money has been appropriated for a purpose, it has been all expended for the benefit of private persons, without accomplishing the purpose, that I am disposed to wait, particularly before appropriating these large sums of money to be put into the hands of the Secretary of War for such objects. I am not disposed to say anything more; I am not disposed to say anything that is offensive; but inasmuch as the country there will not suffer for the want of troops, and as it is only a question as to the accommodation of the troops themselves, and we are not at present very flush, I think it may be as well to defer this, at any rate to another year, and then consider whether it is worth while to make the appropriation. Let us hear something further on the subject.

Mr. RICE. I must have been unfortunate in not making myself understood. For years the people of that country have asked for troops. The former Secretary of War saw the necessity of it. The present Secretary of War saw the necessity of having troops there. He ordered them there two years ago, and they were hutted. They remained during the summer season in huts, but were unable to remain in that cold climate without better protection, and were ordered away, and were absent during the winter. In the meantime the Indians went on committing depredations. The Secretary of War found it absolutely necessary to order them back again this past season. A few weeks ago he ordered them there; and three companies are now there for the protection of the inhabitants, the protection of the frontier; and unless they can have money to build barracks to shelter them in the winter, they must be ordered back again next fall, and the items of transportation back and forth will amount to a good deal more than the money asked for these quarters.

Mr. FESSENDEN. I am rather inclined to wait.

The PRESIDING OFFICER. The question is on the amend-

ment proposed by the Committee on Military Affairs.

Mr. RICE. I deem this a matter of very great importance, and it may become necessary hereafter to refer to it. I therefore ask for the yeas and nays. I hope the Senate will not refuse it.

The yeas and nays were ordered.

Mr. WILKINSON. I did not intend to say a word in regard to this amendment; but it seems to me to be very important. From my observation, (and all that I know about it is principally from observation since I have been in that country,) I am certain that this appropriation is wise and just. I do not see why gentlemen should have any apprehensions that there is anything wrong about it. I can remember, some years ago, when the Government ordered troops into that country; and I have known, since I have been a resident of Minnesota, that great outrages have been committed in that section of the country, which have arisen almost entirely from the fact that there has been no protection there. The appropriation, to me, seems to be absolutely necessary and wise and just; and I hope it will be adopted.

The yeas and nays were ordered; and being taken, resulted

-yeas 28, nays 6; as follows:

YEAS—Messrs. Anthony, Bragg, Chandler, Chesnut, Clark, Clingman, Collamer, Davis, Fitch, Fitzpatrick, Grimes, Gwin, Hamlin, Hammond, Harlan, Hemphill, Johnson of Tennessee, King, Lane, Latham, Nicholson, Polk, Rice, Saulsbury, Trumbull, Wigfall, Wilkinson, and Wilson—28.

NAYS-Messrs, Dixon, Fessenden, Foster, Hale, Pearce, and

Toombs—6.

So the amendment was agreed to.

Mr. DAVIS. I offer the following amendment from the Committee on Military Affairs, to add at the end of the bill:

For the construction of barracks and quarters at Fort Cobb, in the Indian Territory, \$100,000.

I will state to the Senate, that this is the estimate of the cost which is sent from the Department with a letter presenting this as a post where barracks are required. It is that post which lies north of the Red river, and which has been selected as best commanding the nomadic Indians west of Texas, and north of

the Red river, and upon the skirts of Kansas; migratory Indians who have committed so many depredations, and of whom the Senate has heard so much.

Mr. COLLAMER. Did I understand the gentleman to say that this was called for by the head of the Department?

Mr. DAVIS. Yes. I will send the Secretary's letter up to the Clerk's desk, and let it be read.

Mr. COLLAMER. If it is, I do not object to it. By mistake, I voted for one that he did not call for, and I shall not vote for any more. I shall not vote for any they do not want.

Mr. DAVIS. Here is the letter from the War Department with the estimate of the Quartermaster General accompanying the letter of the Secretary of War, which can be read if desired.

The amendment was agreed to.

Mr. DAVIS. From the same committee, I propose another amendment, to add at the end of the bill:

For fortifications at Point Roberts on the gulf of Georgia, \$100,000.

I will state to the Senate that this gulf of Georgia and Point Roberts have acquired very great importance within a short period. Perhaps it may not have been very generally observed that the prolongation of the forty-ninth parallel, before striking the sound, runs over a point of land which was formerly supposed to be north of the forty-ninth parallel. Thus we acquire a piece of territory, being a point of land in a peninsula, all the rest of which is British territory; and this commands the main channel or entrance into the bay which forms the inlet to the valley of Fraser's river. General Totten has recently made a reconnoissance of that post, and in his report to the War Department gives his opinion of the importance of a fortification upon that point, which the Secretary of War communicates to the Committee on Military Affairs, who examined it with a view to our command of that bay, the entrance into the valley of which has attracted a large population by its recent gold discoveries; and the fact of its being a commanding military position in relation to Great Britain induced the committee to recommend an appropriation to be made accordingly for these fortifications. If the Senate requests it, I will have the papers read.

Mr. COLLAMER. I should like to inquire of the chairman of the committee, what sort of fortifications it is proposed to erect there? Is this to be the beginning of a system, or what is it?

Having access to it by land, I take it, it is a British province.

Mr. DAVIS. Yes, sir.

Mr. COLLAMER. And there will, therefore, require to be fortifications against land approach?

Mr. DAVIS. Yes, sir.

Mr. COLLAMER. As well as water communication?

Mr. DAVIS. Yes, sir.

Mr. COLLAMER. That will require an extensive fortification?

Mr. DAVIS. Yes, sir.

Mr. COLLAMER. This is but the beginning of it.

Mr. DAVIS. Exactly. I take it so.

Mr. COLLAMER. Has the system been marked out, and

projected to what it is to be ultimately?

Mr. DAVIS. I think the only manner in which I can answer the Senator very satisfactorily would be to have this paper read. It will save my throat, and perhaps give the information better than in any other way.

The Secretary read, as follows:

Confidential.

Washington, March 26, 1860.

Sir: Your instructions marked "confidential," under date of November 9, 1859, directed me to "examine the Island of San Juan, in the Canal de Haro, with a view to determining its fitness for a permanent fortification, and the best site therefor, upon it, in the event that the title to the island, now in dispute with the Government of Great Britain, shall be decided in favor of the United States, of which, in my judgment, there is no shadow of doubt."

The fitness of this island for a permanent fortification, or for a military station of any kind, depends upon its relation to so much of our water frontier as lies along the straits of Fuca, and

its water communications with the gulf of Georgia.

This particular subject was, therefore, kept in mind while I was pursuing my general examination of the northwest coast. It directed the particular course of my inspections of those waters, and led me to extend my explorations as high up as Fraser's river.

I find nothing in the magnitude, form, or position of San Juan island, that will admit of treatment for such a purpose, separate from general military considerations, those only with which I have anything to do; and I now proceed to give, as briefly as I can, the convictions that have arisen in my mind, after mature reflection.

Great Britain, by owning the whole of Vancouver's Island, of which the southern shore bounds the straits of Fuea on the north, possesses, just within its southern extremity, the admirable man-of-war harbor of Esquimault; and she now occupies it as a naval station, having present there at the time of my visit, one line-of-battle ship and four war steamers. This harbor has, in a high degree, every internal convenience; facility of ingress and egress at all times, and perfect defensibleness at a moderate cost, by fortifications, should such defense be considered necessary at any future time.

My first remark on these circumstances is, that possessing Esquimault harbor, the ownership of the San Juan archipelago, or of that island alone, is not necessary to Great Britain for her own occupation, either for defensive or offensive purposes. Because, while occupying Esquimault harbor, and enjoying naval superiority, she will command completely, so far as local position can enable her, the straits of Fuca, and all other waters within Cape Flattery, including Puget Sound, Admiralty inlet, and all the channels and passages of the San Juan archipelago. All our commerce and communications therein will be interrupted, or exposed to the greatest hazards.

With superiority affoat, she will need no fortifications in the archipelago, in order to command the passages. Its quiet and pleasant waters may be much resorted to by her cruisers; but the place of refreshment, rendezvous, and, if need be, of refuge, will, because there can be no better, be Esquimault itself. Indeed, a fortified anchorage at San Juan island, for instance, would not be essentially nearer, and would no better overlook our harbors of Dungeness, Port Discovery, Squim Kabor, Admiralty inlet, Puget Sound, &c., &c., than that of Esquimault.

Neither does Great Britain need San Juan island, nor any other island in the group, for the purpose of defending, by fortifications, her communications with the gulf of Georgia. Such a system would demand numerous works, to overlook the many navigable passages through the group; while the same naval force that will be indispensable for other purposes, will be precisely the best description of force for this defense; and for the interception of, and resistance to, expeditions from our distant shores

If, therefore, the archipelago be assigned to Great Britain, it will hardly be the seat of any naval or military establishment. Possibly, with the growth of the country, some establishments there may be deemed to need slight defenses against predatory raids; but nothing of that sort can occur within any reasonable time; and nothing is likely to happen in that way to bear upon our present question. But even if it be her wish to fortify there, her desire to retain the island arises, I am convinced, much less from a belief that such a military or naval station is necessary

to her interests in that region than from a knowledge that to us they will afford military advantages quite important, and not otherwise to be had.

This leads me to remark, in the second place, that by the establishment of the division line between the two countries, in the straits of Haro, we shall, in some sort, have compensation for the advantages Great Britain enjoys by owning the whole of Vancouver's Island, and maintaining a predominant naval force at its southern extremity, since it will then be in our power to react with more or less effect, according to our energy and enterprise, upon these interior waters, by securely fortifying an anchorage at San Juan island, or some other place close upon the Haro channel.

The presence, under the shelter of such fortifications, of fast, armed steamers, would exercise an important influence upon the communications between the straits of Fuca and the gulf of Georgia. Fraser's river, &c., would at all times threaten and harass this communication; and completely command it, whenever it should happen to be without the actual presence of a strong convoy.

It is easy to see that no such effects could be looked for, with the naval mastery against us, if our nearest fortified position were some forty or fifty miles distant from the main channel which will be the case if the Rosario strait is to become the

boundary.

My conclusions, from these and such like considerations, are that the possession of the San Juan group of islands, is, strategically, of high importance to us; that without this possession, there can be no escape or relief from the paralysis that adverse naval predominance will impose on all our coasts and waters inside of Cape Flattery; and that, so far as considerations of a different nature admit, or can be materially aided by such influences, this importance can hardly have too much weight given to it.

The selection of the precise site for the fortification deemed to be necessary under such views as the above, is a matter not to be fixed by mere inspection of the ground and water, without more detailed surveys than we now have. There are, probably, several advantageous positions; but that one has to be found that combines the greatest number of important conditions.

Some important military considerations make it my duty to offer here a remark or two on another matter, supposed to be connected with unsettled points in the boundary question.

A portion of "Point Roberts," situated near the bottom or outlet of the gulf of Georgia, is cut off from the main land, and left on our side, by the parallel of 49° north latitude. This position I deem to have much value, in a military sense, because from this point a command over the lower portion of the gulf of Georgia can be maintained, not unlike that exercised over the straits of Fuca, and the inner waters, by the harbor of Esquimault. To make this analogy complete would, of course, require a naval preponderance on our part; but, even without this, under such provisions as have been suggested for the San Juan group, an important control and active and telling enterprises may result from its possession.

A fortified anchorage here, with a few swift war steamers, would permit an active cooperation with the like establishment suggested for the San Juan islands; serving, as the case might be, for combined or independent efforts; for mutual support or reciprocal refuge. It is plain that duly to perform this part, this northern work must not be placed on shores distant from principal channels, but be brought well to the front, where everything can be seen and all chances of action improved.

But independent of effects and influences having relation to a possible state of war with our powerful neighbor, we have to keep in mind the necessity of providing our water frontier with sure protection against large bands of brave, hardy, and enterprising northern Indians, whose harvest is predatory warfare, and who recognize no relations with others but those of hostility. Expeditions of these, even of late, have visited our shores, leaving sad memories of spoliation and blood-shedding.

Against this danger even incessant vigilance on the part of the inhabitants is no security upon the long-extended shores, where population must be sparse for many years to come, and the sudden concentration needed for resistance, consequently, impossible.

The existence of this danger, so peculiar and so real, must henceforth, as heretofore and now, greatly retard settlement on

the inland waters of Washington Territory.

As heretofore suggested in an able report, made in 1855, by Captain Stoneman, of the second cavalry, and Lieutenant Whiting, of the engineers, effectual security is to be found only in the military occupation of some point high up in these waters, and the stationing there of one or two small, fast, armed steamers, always ready to fall upon the rear of any Indian expedition venturing below, and, outstripping even the swift war canoes, able to intercept and destroy them all.

The existence of such an establishment would give security and confidence to all the waters of Washington Territory; and I believe that, for years to come, nothing short of it will do so.

No position can be better adapted to such a purpose than Point Roberts, lying at an extreme northern limit, projecting well into the gulf of Georgia at the narrowest place near the mouth, and possessing, as I believe, the requisite local facilities.

Under conviction of the cogency of these reasons, and of those just stated, I hope to be excused for earnestly recommending adhesion to Point Roberts as an important position in the defensive system of the northwest coast of the United States.

I ask leave to repeat, by way of recapitulation, the earnest recommendation that, for the better protection of our waters inside of Cape Flattery, and to provide for security in time of war, and more than mere passive resistance,

1. A suitable anchorage, at or near San Juan island, may be

securely fortified; and

2. A similar one at Point Roberts.

A map of part of Washington Territory is herewith, for the clearer understanding of the preceding remarks.

I have the honor to be, very respectfully your obedient servant.

JOSEPH G. TOTTEN,

Brevet Brigadier General and Colonel Engineers.
To Hon. John B. Floyd, Secretary of War, Washington.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Committee on Military Affairs.

Mr. FESSENDEN. I should like, before voting upon that, to hear something more distinctly about it from the Senator from Mississippi, the chairman of the Committee on Military Affairs. who seems to have the opinion of one officer upon the subject, who has been sent out there to make merely a survey of that section of the country. I suppose he had nothing to do, and we might therefore as well employ him in that business as any other. He does not seem to be very strenuous about it as to time. He points out this place as necessary to be fortified, one day or another, in the possible contingency of war. It may be necessary at some time or other; but I should really like the opinions of others who are learned and skillful in these matters. whether it is advisable, in the present state of the Treasury, to commence the erection of two fortifications—for they seem to be twins; one begins now; the other, as part of the same system, is to begin soon, and this is only the commencement of the matter. At present there are no difficulties there, and none are apprehended. The contingency of war is only a possible one. The country is unsettled; and really that coast is so far away. and so little needing protection at the present time, that it is a question which addresses itself to the sense of men, whether it is advisable, in the present state of the country, and the present state of the Treasury more particularly, to commence those fortifications. If we are satisfied of it, of course I have no sort of objection to voting the money; for I am willing at all times to do whatever may be necessary as soon as it may be necessary,

or as we are able to do it; but I want to be a little better satisfied than I am by even General Totten's opinion, whether it is advisable to begin this work at the present moment under existing circumstances.

Mr. DAVIS. I will answer as well as I can the Senator from Maine. General Totten is the chief of the engineer corps, and as such has had his mind particularly directed to a general system of fortifications; all the reports from different localities having been collected in his bureau for a number of years. Soon after a trip to Europe, where his mind was supposed to have been somewhat more generalized, he was ordered to go to the coast of the Pacific to examine the fortifications, and sites where fortifications were required, and this is a portion of his report. I think in the answer which I had read, he does press the present necessity for fortifying Point Roberts, and not merely in relation to the contingency of war with some civilized nation to which the Senator referred, but also in relation to the Indian tribes. They are the people whose canoes he speaks of, which are very remarkable, carrying twenty or thirty, and sometimes more, men.

Mr. FESSENDEN. Will the Senator allow me a moment?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. He speaks of war steamers as being necessary and advisable with reference to protection against the Indians. Is it necessary to build these fortifications for the protection of the steamers, or are the steamers to be in harbor on the other side, somewhere near there? I cannot get the idea.

Mr. DAVIS. This is a fortification of an anchorage in which he supposes these steamers are to lie, safe from any attack. I suppose he hardly expects these canoes to take them.

Mr. FESSENDEN. Is this to be the anchorage?

Mr. DAVIS. This fort is to cover the anchorage at which these light steamers will lie. It is, therefore, he proposes that it be brought down to the shore. It is a fortified anchorage. I so understand it.

Mr. FESSENDEN. Is the fortification necessary as against the Indians; to protect the steamers against the Indians?

Mr. DAVIS. Well, I will not run saws with the Senator.

Mr. FESSENDEN. I should like to know how they are connected. It seems the fortification is important——

Mr. DAVIS. The Senator is not half so witty as he thinks he is.

Mr. FESSENDEN. I do not pretend to be witty. If the Senator will allow me, I am endeavoring to get an explanation

simply. Now, the honorable Senator from Mississippi must know that we are all simpletons, compared with him, in relation to all these matters. We are all ready to admit it; and I was humbly trying to sit at his feet and acquire instruction before voting, and I want him so to understand; and of his magnanimity and kindness to dispense it—that is all.

Mr. DAVIS. I understand perfectly well the Senator's whole line of argument. I will not pretend to say that he is very well informed; and if he chooses to plead his ignorance, I leave him

under his own plea, and to the full benefit of it.

Mr. FESSENDEN. I admit it all.

Mr. DAVIS. He asked, what are the facts, which I supposed he had not examined; and if he had only kept his patience a little while, and curbed his wit and sarcasm, I should have answered as far as I was in possession of the facts of which he seemed to be inquiring. If he is constantly to interject remarks to break the line of reply, of course it is needless for me to attempt to answer. I was saying to the Senator, taking it for granted that he was doing what seemed to be, or what was implied by his language, asking for information contained in the reports of the Department, that this work was to cover an anchorage; and that this anchorage was to be a place where light steamers were to be kept, and that the steamers were to be employed against these Indians. There, without allowing me to go on, he inquires whether war steamers were to be taken by canoes. Now, he is not half so smart as he thinks he is. Those canoes are double as big as he supposes, and carry twice as many Indians probably as he imagines; and a steamer lying at rest, particularly unmanned, will be liable to be taken; and the cheapest way to protect them might be under the guns of the fort. The general of engineers, however, in making his report, certainly did not look to the Indians alone. A very small work might have answered for any defense which the steamers, during the period they were unmanned, might require from marauding bands of Indians, even if their purpose was only to set fire to them.

The Senator from Vermont asked a question, the answer to which certainly covered that whole ground, when he inquired whether this work was liable to be taken by land attack; and must, therefore, be built with a view to land defense. I so understand it. I therefore understand it is to be a large one, and a work of heavy expenditure. But the necessity for beginning it now is connected with the defense of that frontier from Indian incursions. It may be better, and the Senator may know

it to be better, to resort to other means, to build arsenals and stockades, to be torn down hereafter, when it may be necessary to construct a fort. He may have some rapid mode of construction, such as we have not ascertained, either in the harbor of Portland or in the Penobscot bay, by which forts are to be built at once—as soon as they are needed. But, I take it, in the Territory of Washington, where they have less labor, it requires many years after a work is commenced before it is completed; and it is during the period of peace, and when war is most remote, that it is necessary to commence fortifications, if they are ever to be finished.

This work on Point Roberts, I think, is recommended by the engineers as one requiring immediate attention. There is another also recommended. They are not twins, as the Senator supposes. They are very different localities. Neither do I understand that only two are to be constructed. I take it for granted many more will be finally constructed, and that the two will be but the beginning of a system of defense of Puget Sound and the entrance to the Columbia river; but the committee have recommended only one. Looking over the whole ground, though two were pressed upon their attention, they asked an appropriation for only one, and that one may be unnecessary. The committee did not assume to be infallible, nor did they consider their organ as being able to teach every one all that it was necessary to know. I am only willing to answer the inquiries of Senators as far as a I possess the facts; and in making such replies from information communicated to the committee, I do not charge any one with ignorance; I do not exalt my own knowledge; I do not profess to be a judge; but where a fortification is required, what the extent of the fortification should be, how it should be constructed, whether it should be commenced at water batteries, or whether it should be commenced in land defenses; whether great barracks should be first erected; whether it should be casemated or barbetted, and all these other questions. I leave to the War Department and the engineer bureau. I take it, the Senator has no right to require the chairman of the committee to give any such information.

Mr. FESSENDEN. Mr. President, I was perfectly sincere in what I said; and I was inquiring for information about this matter. I was also perfectly sincere in saying that if this work was necessary to be commenced now, at the present time, I was perfectly willing to vote any amount of money that was necessary to accomplish it; but I think that, at any rate, we who are called upon to vote for these particular works, should be in-

formed to that extent which may be necessary in order to enable us to come to a reasonable conclusion on the subject.

Now, sir, what have we here with respect to this matter? We have a single letter read-from a distinguished officer I admit, who has made a military survey of that country, and who seems to think that certain fortifications may be necessary for certain purposes in certain contingencies. With regard to those contingencies, when they are likely to arise or what is to be the extent of their severity, I suppose we are as able to judge as the officer himself. The letter itself did not seem to me sufficiently to press, or to any great extent to press, the immediate construction of those works; and there are obvious reasons to my mind why we should not begin the erection of any more of those works, especially upon that coast, unless they are necessary at the time, and until they become necessary. Why? In the first place, I have not yet heard an estimate of the whole cost of erecting this fortification. There is a single statement, a single recommendation of the committee to appropriate \$100,000. I do not know that there is any estimate from the Department, or any Department, stating how much it is to cost.

Mr. DAVIS. I will say to the Senator, I am sorry to have misunderstood him, since he avows the entire sincerity with

which he asked the question.

Mr. FESSENDEN. I avowed that before.

Mr. DAVIS. I will state, in relation to the point you are now on, that the engineer is unable himself to make an estimate. His letter shows that the character of the work is a thing yet to be determined.

Mr. FESSENDEN. Very well. Now let us come to the position in which the thing is placed, since we are compelled to examine it for ourselves. We have here a recommendation from the Committee on Military Affairs to appropriate \$100,000 to commence the construction of a work at Point Roberts. In support of that we have read a letter from the head of the engineer department, in which he states that certain fortifications will be needful there at some time and in certain contingencies. This is only one of them; and now we have it from the chairman of the Committee on Military Affairs that no estimate whatever has been made with regard to this particular fortification, or any of the whole class which he recommends as a class in that place.

Now, sir, permit me to say, with all respect, that this is not the mode in which Congress is usually called, and the amount of information usually afforded, when we are called upon to vote money. We do not know but that these fortifications at Point

Roberts will cost a million dollars or more. We do not know but the other fortification, which if not a twin is recommended in the same breath, is to cost another million dollars. On this insufficient information, with no estimate, the chairman of the committee being unable to give us any, stating that none has been made; that nothing is made with regard to it, and no sufficient data are furnished by which we can estimate: without knowing what kind of fortification is to be made, and having no opportunity to pass our judgment upon any one thing with reference to this subject, except that letter, we are called upon to vote this amount of money. That is not the usual mode in which Congress is appealed to to appropriate money for the erection of fortifications anywhere, under any circumstances. If I have read aright, the mode usually is to appoint a commission to make an examination in regard to the system of fortifications necessary, and then what kind of fortifications are to be built; to have an estimate of what they are to cost, and then to see whether, in the existing state of things, and the existing state of the Treasury, it is worth while for the country to begin at the time when the appropriation is called for. That I understand to be the mode usually adopted.

I can comprehend that there may be a very decent reason for deferring this matter unless it is pressing. In the first place, there is no population there at the present time. There are no facilities for getting the material and the work necessary. It is a new country. It is a very distant country. It is far away from all the usual appliances that are needful in order to erect these fortifications economically and with propriety in the best manner. Now, then, making an ordinary calculation, it will probably cost double, or perhaps more than that, to erect these fortifications at the present time, to begin immediately, than it would some years hence, when population is settled in that neighborhood, and when the material and labor can be found with facility.

Then comes the question of expediency. Is it advisable at the present time? Is there any such pressing necessity calling upon us, with reference either to a foreign Power or to the Indians, to appropriate this money and to begin this work now? I recognize the truth of the saying that in time of peace we should prepare for war. I have heard it before. I have no doubt of the truth of the axiom. It is so unquestionably; but I take it, it does not follow as a corollary from that, that in time of peace we are to do nothing else but prepare for war, and prepare for it whether war is imminent, and under whatever disadvantages we

may have to begin with. That is not the system. It is carrying it a little too far.

Now, the question I put to the Senator was not with any disposition to indulge in a display of wit, for I have no pretense to wit. I have neither wit nor humor. I claim to be no more than a plain, blunt man, speaking my mind upon these subjects, so far as I understand them, which certainly, on subjects like these, is to a very reasonable extent. It did seem to me to be a little queer, and the Senator will pardon my ignorance, that we were to have a war steamer to protect the country there against the Indians, and then we were to have a fortified anchorage to protect the steamer against the Indians. I could not put those two things together; but the Senator is now obliged to say, as I understand him, that the fortification is really intended with reference to difficulties we may have with foreign Powers, while the steamers are necessary with reference to the difficulties we may have with those nearer us at home.

Well, sir, all this may be necessary and expedient. It may be necessary at the present time. If so, as I said before, I am perfectly willing to vote it. I never withhold my vote from considerations of mere money, if it is necessary to expend that money at the period; but as one called upon by the position in which the Senate placed me, to look occasionally into the subject of our means, I thought it became me to inquire a little in the first place, how far it was necessary to draw upon those means at the present time, to begin what must certainly be a very expensive system when carried out, and more particularly expensive the sooner we begin it, because if begun under such circumstances and such difficulties, in the unsettled state of the country there, it is manifestly to cost a vastly larger sum than it will at a future time, when there are greater facilities, both for material and labor. This is all of my question, sir, and that is the notion I have about it.

Mr. DAVIS. The Senator treats this as though there had been no examination, no suggestion of any amount; as if the Committee on Military Affairs had suddenly jumped upon the amount of \$100,000, and presented it to the Senate in the form of an amendment. Now, I believe the Senator is a member of the Committee on Finance, and as such has seen a letter from the Secretary of War, recommending an appropriation of \$100,000, the sum presented here by the committee in this amendment. He must have seen, from that letter of the Secretary of War, that the sum of \$100,000 was required. It is impossible, before a location is made of a work, before the ground has been

examined, before levels are taken of all the commanding heights, to determine either the exact plan of the work or its cost. It is impossible, before you have examined the channel, before you have determined how the face of the work shall front, to determine what shall be the size of the work, how many guns it shall mount, in how many tiers the guns shall be; and therefore, it is utterly impossible, in the first instance, to tell what will be the amount it will finally cost. The first expenditure, however, it is well known may be made, and will fall within the sum as in this instance stated. The Secretary of War says:

"Fully concurring with the views of the chief engineer, I beg leave to recommend that an appropriation of \$100,000 be made for a fortification at Point Roberts, on the gulf of Georgia; and I will suggest that that amount be inserted in the appropriation bill now pending before your committee."

He then goes on to apologize for not having submitted it in his annual estimates, on account of the report of the chief engineer having been received at too late a day. Now, sir, these steamers are not vessels of war. They are steamers carrying one, two. and perhaps three guns, and they are kept for speed. These canoes—the Senator from Oregon can tell much more about them than I can—have such speed that it requires a war steamer —that is, a side-wheel steamer of great speed—to overtake them; that they cannot rely upon anything else to control these Indians in their large canoes, which they use in that sound. It is a subject, however, of importance to that frontier, in its locality, in its connection with the immediate defense of the frontier, in its ultimate object as to the protection of a great harbor and anchorage to be protected against foreign fleets—harbors out of which a commerce comes very much like the State the Senator represents, and increasing annually, and now I understand, of the Pacific, second only to San Francisco; all these constituting considerations why the fortifications should be commenced connected with the immediate defense of that frontier from these large bands of hostile Indians. The Senator from Oregon, however, is better able to explain the subject than I am.

Mr. LANE. It is not surprising, Mr. President, indeed, I am gratified to find the Senator from Maine inquiring, very properly, into the necessity of this work, and the probable expense of it. I am sure I can say, with him, I will not give my consent to any appropriation of money that I do not believe to be absolutely necessary. But if you cast your eye upon the map, you will see

that Point Roberts is a very important point. It commands the waters to the entrance of Fraser's river, a country which a large portion of our people now frequent, on account of the gold in that region of country, and in which Indians reside who are very warlike indeed. They are more formidable than any Indians on our coast. They are convenient to the British possessions, convenient to Vancouver's Island, and so far have managed to keep themselves well supplied with arms, with muskets, with cartridges, with everything necessary to prosecute a war promptly.

The size and speed of their canoes are wonderful. I do not know whether Senators are acquainted with the character of the canoes that those people build. They are capable of setting out upon a war expedition in their canoes, and making speed at the rate of six, or eight, or ten knots an hour. It requires a steamer of fair speed to run down one of those canoes or to overtake them. From this very locality, they can make an outfit, and in one night reach the settlements on the coast to the south of them, commit depredations, murder the settlers, and then be off in their canoes, and make their escape. Then, for the protection of the settlements, for the safety of our people, and to afford a safe anchorage for steamers and other vessels necessary for the suppression or preventing of such expeditions, such a work as is contemplated in this amendment is necessary.

It is an important location in another point of view. It is convenient, as I remarked before, to the British possessions; and, indeed, it is a point of land—separated by an air line, or by the forty-ninth parallel, leaving us a few thousand acres of ground there—that completely commands the gulf. I can take no view of the question that does not present that point as of immense importance, and the fortification as necessary. So I regarded it when the question was examined in committee. believe all the members of the committee regarded it as important; and this is so manifest to those who have examined it, that I hope there will be no question about the adoption of this amendment. I think it will be the means of saving very large expense that would grow out of the Indian wars, afford protection to our people, and save the lives of very many. I trust. therefore, from the necessity of the matter, that this amendment may be adopted.

Mr. CLINGMAN. With every disposition to defend that coast, I cannot bring my mind, upon examining the map, to come to the conclusion that this expenditure is judicious now. It is certainly a very good point to harass the commerce of Great Britain, and to interrupt it with the gulf of Georgia; but in any

other point of view, I do not think it very important. If there were an expedition to come out of the gulf to attack our possessions, this would be undoubtedly a very good point to fortify; but nobody supposes that Great Britain has any force in the gulf of Georgia, or on Fraser's river, that is likely to invade us. If we are to be invaded it will most probably be from the sea; and there are points below this, I have no doubt, which it is vastly more important to fortify. I think the money we propose to spend on this coast had probably better be directed to other points. Taking that view of it, without any purpose to detain the Senate, I shall simply say that I cannot vote for the amendment. I know very little about these matters, but I cannot see that it is intended so much to protect us as to menace Great Britain. If we ever get to war with her, I apprehend she will strike at more vital points, and such possessions as these will be the prizes that will fall to the victors in the end.

The PRESIDING OFFICER. The question is on the amend-

ment reported from the Committee on Military Affairs.

The amendment was not agreed to; there being, on a division—ayes fourteen, noes not counted.

Mr. DAVIS. I have another amendment from the Committee on Military Affairs, to insert at the end of the bill:

For reconstructing the stables at Carlisle barracks, \$8,050.

I will merely state that the stables there were destroyed by fire. The Quartermaster General makes a report and estimate, in which he proposes to use as much of the old material as remains, and that this additional sum will be necessary to reconstruct the stables for the cavalry depot, or place of instruction of cavalry recruits, which is at Carlisle, Pennsylvania.

Mr. COLLAMER. I desire to ask the gentleman, as the buildings are now burnt, and it is now necessary to rebuild them, whether the position is such as to suit the Department? Do they

not want to change it at all?

Mr. DAVIS. I cannot say as to that.

Mr. COLLAMER. That is somewhat important, if you are

going to rebuild.

Mr. DAVIS. But it is impossible to answer such a question as that. I should have to ask the Secretary of War what his impressions are. He has sent this estimate for reconstructing the stables. I will answer the Senator that they have tried other places as cavalry depots, but have done better at Carlisle than at any other point.

The question being put; on a division there were—ayes 20, noes 2, no quorum voting.

Mr. FESSENDEN. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 3; as follows:

YEAS—Messrs. Bayard, Benjamin, Bigler, Bragg, Bright, Chesnut, Clark, Clingman, Collamer, Davis, Dixon, Doolittle, Durkee, Fessenden, Fitch, Fitzpatrick, Foster, Green, Grimes, Hamlin, Harlan, Hemphill, Hunter, Iverson, King, Lane, Rice, Sebastian, Slidell, Ten Eyck, Toombs, Wigfall, and Wilson—33. NAYS—Messrs. Bingham, Chandler, and Hale—3.

So the amendment was agreed to.

Mr. DAVIS. I have another amendment from the Committee on Military Affairs, to insert at the end of the bill the following:

To enable the Third Auditor of the Treasury to settle the accounts of officers now suspended, for disbursements through the Quartermaster General's department for supplies furnished and stores transported for the three companies of volunteers called into the service of the United States in the Territory of Kansas, in 1856, by authority of the War Department, the sum of \$5,000, or so much thereof as may be necessary.

I will merely state to the Senate that these are accounts of officers of the quartermaster's department for supplies furnished to volunteers who were called out and have long since been paid; but the quartermasters that furnished the supplies, under orders, when so employed, have had their accounts stopped, there being no provision which authorizes them to issue as regular supplies; yet they being ordered to issue, the Auditors have stopped the accounts, and they remain suspended in the accounting offices. It requires no appropriation, but merely gives authority to adjust the accounts of those officers. It is a technical question.

The amendment was agreed to.

Mr. DAVIS. I have another amendment, to insert at the end of the bill:

For the payment of the salary of the keeper of the Columbian armory in the city of Washington for eighteen months ending June 30, 1860, \$1,800: Provided. Thereafter, the said armory

shall be under the charge of an ordnance sergeant of the United States Army

It is the armory which was built in this District for the volunteers of the District, and as a depot for trophies. provision was made to take care of it. I rather think it was in the contemplation of Congress that the volunteers themselves should take charge of it. The Secretary of War has employed a man as custodian of the armory, and no provision has been made for his salary. He writes a letter on February 23, 1859, to the committee, asking that an appropriation shall be made as therein provided. The committee have added to it a provision to stop the further appointment or employment of a keeper, and to turn over the armory to the custody of an ordnance sergeant of the Army. I wish the Senate to understand that the second provision is not that which is recommended by the Department, but is one which was added by the committee upon the recommendation of the Department; so that the Senate may decide as they think proper.

Mr. HALE. Is not this a novel proceeding? I understand we have built an armory for the volunteer militia of the District, and it is now proposed to pay the salary of an officer for taking charge of it. I think it is unprecedented.

Mr. DAVIS. I do not hear the Senator.

Mr. HALE. I was stating what I supposed it was. I do not know whether I understand it. I understand we have built an armory upon the public grounds for this District—which, by the way, is a great nuisance; it never ought to have been done, and never ought to have been built where it is; I think it is a great outrage; but now, having done that, and provided an armory for the volunteer militia in this District, I understand it is proposed to pay a man for taking care of the arms belonging to the volunteer militia of the District. I am opposed to it.

Mr. DAVIS. I will send the letter to the Secretary's desk, to be read.

The Secretary read, as follows:

WAR DEPARTMENT, February 23, 1859.

Sir: I beg leave to call the attention of your committee to the fact that no special provision has been made for the salary of the keeper of the building erected in this city as a depository of the arms of the District militia, of national trophies, and of models of military investigations, and have the honor to request that an appropriation of \$1,800 may be made by you for this

object, to meet the expenditure until the 30th of June, 1860; being at the rate of \$100 a month.

Very respectfully, your obedient servant,

JOHN B. FLOYD, Secretary of War.

Hon. Jefferson Davis, Chairman Committee on Military Affairs, Senate.

Mr. HALE. I ask the yeas and nays on it; that is all.

Mr. KING. I am not aware that there was any authority for the appointment of this man. Why might not the Secretary employ a man for any other purpose, and send him here for his pay? There was no law to authorize the employment of this person, and the Secretary of War ought not to have him employed without authority of law. He had no business to do so.

Mr. HALE. I raise a question of order. It is a private claim. Mr. GRIMES. I ask for the reading of the amendment again. Either I misapprehend it or the Senator from New York [Mr. King] does.

The Secretary again read it.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is in order.

Mr. KING. I am opposed to this amendment, because it proposes to pay, at the rate of \$100 a month, an officer appointed without authority of law, and because it proposes to establish a new office, or to give a new employment to some other officer without, that I am aware of, any good reason. If this is an armory belonging to the District, the District should provide for it. Why should the Federal Government undertake to keep at its expense an officer there? I do not see any good reason for it, and I should like to hear from the chairman of the Committee on Military Affairs some reason for this amendment.

Mr. DAVIS. The armory of the District of Columbia belongs, I suppose, to the United States. The ordnance sergeant is in the service of the United States; and, therefore, it will not institute any new office to put the ordnance sergeant there. It is a simple question.

Mr. HALE. I ask for the yeas and nays on it.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Military Affairs.

The question being put, on a division there were—aves 15.

noes 16; no quorum voting.

Mr. KING. Let us have the yeas and nays.

Mr. BENJAMIN. Some Senators who voted were not counted by the Chair.

Mr. DAVIS. Let us have a recount.

The PRESIDING OFFICER. If it is asked for, the Chair will put the question again.

Mr. FESSENDEN. I wish to make a single remark about it before voting. I would like to ask the chairman of the committee if there is any obligation resting upon us to take care of the property? If so, I see no impropriety in voting to pay this person.

Mr. DAVIS. When I last had any knowledge of the armory, there were neither trophies nor models belonging to the United States in it. It contains nothing but the arms of the volunteers, and I do not say that there is any obligation upon us to take care of it. If there is nothing in the armory except the arms of the volunteer companies in the District, I say that there is no such obligation upon us. Firearms are owned by the United States, and if they think proper, they may take charge of them, and of the armory in which they are deposited; but I do not think there is any obligation upon us to do so.

Mr. FESSENDEN. Is there any property of the Government there at all except those arms?

Mr. DAVIS. I say I do not know. The armory was built for something else, and when I last knew anything of it, it had nothing else in it; but I have not inspected the armory for a long time. It may contain trophies and models and military arms. It was for that purpose, together with that of an armory for the District, that it was erected.

Mr. FESSENDEN. Then, it strikes me, there is hardly information enough about this subject. If it is right, I have no sort of objection to voting it; but it seems, from the explanation we have, we built an armory here for the use of the volunteers, and put arms into their hands, and it does not appear there is anything else to be taken care of except those arms, which they should take care of themselves, and which all the militia do take care of when in their hands. We are to pay a man \$100 a month for taking care of them. I see no reason for it, especially when he is employed without any legal authority in the world.

Mr. IIALE. I do not suppose it would take a man twelve hours a year to do it, and it is what all the rest of the militia of all the rest of the United States do for nothing. I think Congress have been liberal to them in building the armory and giving it to them for nothing, without undertaking to pay \$100 a month for

keeping their own arms in the building we have built for them.

It seems to me it is outrageous.

Mr. DAVIS. I do not think the Senator puts the question at all fairly. It may be a very bad case; but let us treat it fairly at least. The militia of the District are certainly not on the same footing as the militia of a State. They have no Legislature to appeal to, in order that a tax may be laid for any purpose whatever. Congress stands in the relation of the Legislature to the District. The militia of the District are properly in the service of the United States. The armory belongs to the United States, not to a State. All the circumstances are different. It may be proper for the United States to keep charge of the armory for the militia in the District. I will not say it is our duty to do so; but it may be proper to do it. If we do not choose to allow the militia to have free access to the arms put in their hands, it would then certainly be exercised by Congress, as a right which they always retain. It is a matter of no consequence, I think, as to whether we pay this individual in this form or some other.

Mr. HALE. He ought not to be paid at all.

Mr. DAVIS. I have no doubt the individual will be paid; nor that the Senator from New Hampshire perfectly understands that if we pay this now, we stop the accruing debt hereafter, because the amendment is to stop it; and if we do not do it, and there is no ordnance officer assigned to take charge of it, the Secretary of War probably will tell the man to go on, and after a while he will come to Congress and get a compensation of \$100 a month for the whole time he has been there.

Mr. WILSON. By the letter read from the Secretary of War, it appears that there are trophies there and other matters. I should think something else had been put there—

Mr. DAVIS. The building was erected for that. He does not

say there are any there.

Mr. WILSON. I think we had better settle this matter in some way. This person has been employed, I think, at a very large price; but we had better dispose of it, and stop the expense hereafter, as suggested by the Senator from Mississippi. I therefore propose to appropriate \$900, which is fifty dollars a month for eighteen months. That seems to me to be enough. That settles with the person, and cuts off the expense for the future. I think we had better do that.

Mr. TOOMBS. It is very apparent, sir, from the report of this committee, that this expenditure is, in the first place, without authority of law; in the second place, that there is no equity in it against the United States; and in the third place, that it is unreasonable, and ought not to be allowed. For these reasons I shall oppose it.

The PRESIDING OFFICER, (Mr. Foster in the chair.) The question is on the amendment of the Committee on Military Affairs.

Mr. WILSON. I move to amend the amendment, by reducing the sum from \$1,800 to \$900.

The amendment to the amendment was rejected.

The amendment of the committee was rejected; there being, on a division—ayes 13, noes 21.

Mr. DAVIS. The next amendment of the Committee on Military Affairs is to insert:

For procuring and distributing to the Army and militia of the United States, Army Regulations, Military Laws, and books of tactical instruction in the several arms of service, \$25,000.

It will be recollected by the Senate that an appropriation was made some four or five years ago, and since that smaller appropriations, for the distribution of such works among the militia. The Congress having control of the instruction of the militia, so far as prescribing the mode of discipline, it seemed to be properly charged with giving to them a uniform system of instruction as to regulation and as to tactics. The Secretary of War writes to the committee:

"Numerous requisitions are made upon this Department for the various systems of tactics used in the Army, which, with present means, can be answered to but a very limited extent only.

"The general dissemination of such works among the militia of the country is considered very desirable, and appears to be contemplated by the act of May 12, 1820, requiring the militia to be exercised in the systems of instruction appointed for the observance of the regular Army.

"I advise that the sum of \$25,000 be appropriated for the

service above indicated."

The subject is one so familiar to the Senate that I suppose I need not add any more.

The PRESIDING OFFICER put the question on the amendment, and there were twenty-one Senators in the affirmative.

Mr. HALE. I call for the yeas and nays.

The PRESIDING OFFICER put the question on seconding

the demand for the yeas and nays, and announced that, there not being a sufficient number to support the call, the yeas and nays were not ordered.

Mr. HALE. Count the other side. I think there are enough. The PRESIDING OFFICER. Those opposed to the amend-

ment will rise.

Mr. HAMLIN. A number that is not one fifth of a quorum cannot order the yeas and nays.

Mr. DAVIS and others. They are not ordered.

Mr. HAMLIN. But the Senator from New Hampshire is asking for a division of the other side, to show that more than one fifth of the Senators present have seconded the call. Only three Senators got up.

The PRESIDING OFFICER. The Chair decided that there was not a sufficient number up, and was simply calling for the noes on the amendment, that they might be counted—the ayes

having been counted.

Mr. HALE. I call for a count by yeas and nays.

The PRESIDING OFFICER. The Chair had counted, and decided that there was not a sufficient number up to order the yeas and nays. If the Senator asks for the yeas and nays again, the Chair will put that question.

Mr. HALE. I think we ought to have them. It is an impor-

tant question. Let the amendment be read again.

The Secretary read the amendment.

Mr. HALE. This is a job, sir. It is a bookmaker's job. It is a job to take \$25,000 to buy these military books, for distribution amongst the Army and militia of the country.

The PRESIDING OFFICER, (Mr. FOSTER.) The Chair will state to the gentleman from New Hampshire that the question is being put to the Senate, and the vote is being counted; and the

Chair is of opinion that debate is not now in order.

Mr. HALE. I understood the Chair to say—I think I am not mistaken in it, if the Chair will just recollect a moment—that the Chair would put the call for the yeas and nays again, if it was requested.

The PRESIDING OFFICER. The Chair did say so, and will repeat it.

Mr. HALE. Then I suppose it is in order to debate the question, before the yeas and nays are taken. Debate is in order after the yeas and nays are ordered, and at any time before the vote is declared. If the Chair decides that I am not in order, I shall sit down.

The PRESIDING OFFICER. The Chair will hear the Senator.

Mr. HALE. Well, sir, I do not want the Chair, I want the Senate to hear me. [Laughter.]

The PRESIDING OFFICER. The Chair cannot answer for

the Senate. [Laughter.]

Mr. HALE. I was saying that this was a proposition to take \$25,000, to buy books to distribute amongst the Army and militia; and probably the bottom of it is a book-maker's job. On this question whether the Senate is willing to order \$25,000 to be spent for books in this way, I ask for the yeas and nays, and am content to leave it there.

Mr. DOOLITTLE. I rise to a point of order. The vote of the Senate is being taken upon the question, and debate is out of order. ['Oh, no!'] The Chair had received and counted those in the affirmative; and before the negative side was called, and had risen to be counted, the Senator from New Hampshire asked for the yeas and nays, and the Chair put the question to the Senate whether they would order the yeas and nays. A sufficient number did not rise; and the Chair has not yet, as I understand the facts, counted the negative vote upon this amendment. So that we are now in the midst of the taking of the vote. The whole interposition as to whether we shall have the yeas and nays has passed away by the decision of the Senate, there not being a sufficient number to demand the yeas and nays. I understand that to be the fact.

Mr. HALE. Well, sir, the Senator understands it entirely wrong. I can put him right on that. I am right in order, and I am right in merit; I am right against the Senator from Wisconsin, and I am right against the Senator from Mississippi; and I will show it. The amendment is:

For procuring and distributing to the Army and militia of the United States, Army Regulations, Military Laws, and books of tactical instruction in the several arms of service, \$25,000.

The PRESIDING OFFICER. The Senator from Wisconsin makes a point of order which the Chair will decide.

Mr. HALE. Very well; I shall sit down until that is decided. The PRESIDING OFFICER. The point of order taken by the Senator from Wisconsin is, in the opinion of the Chair, well taken. The Chair had stated the question to the Senate, and the affirmative vote on the amendment was asked for and counted. After it was counted, the Senator from New Hampshire called

for the yeas and nays. The Chair asked of the Senate that those who were in favor of ordering the question to be taken by yeas and navs should rise. A portion rose, but in the opinion of the Chair not a sufficient number, and he so decided. The Senator from New Hampshire proposed debating the subject. In that state of things, the Chair suggested that the vote not having been counted, debate was not then in order. The Senator suggested that inasmuch as the Chair had said that, if the yeas and navs were asked for again, the question would be put, the Senator continued still to debate. The Chair was then of opinion, and is yet, that it is proper for the Senator to ask for the yeas and nays, and for the Senate to decide whether they shall be had or not. If they be ordered, then the question is open to debate, and the discussion may go on; if they be not ordered, the vote must be counted, and debate until that time is, in the opinion of the Chair, not in order; and therefore the point taken by the Senator from Wisconsin is well taken, and debate in this stage of the matter is not in order. The question whether the veas and navs shall be ordered or not is proper, and the Chair will put that question if the Senator from New Hampshire or any other Senator asks for it.

Mr. HAMLIN. Will the Chair pardon me for making a

suggestion?

The PRESIDING OFFICER. Certainly.

Mr. HAMLIN. Before the final decision of the Chair is made to the Senate, I ask the Senator who occupies the Chair to recollect—I think he will not fail to recollect—that it is the uniform and unbroken practice of the Senate to allow a Senator to address the Chair while we are dividing, and to resume and carry on the debate. I think that is the unbroken practice of the Senate, and this is the first instance I have ever known it changed. While the Chair may be accurately correct in its critical decision—I will not discuss that—the practice of the Senate has been all the other way. I venture to say that fifty times, perhaps a hundred, I have seized upon the floor while the Senate was dividing. At any time before the Chair announces the vote, Senators have always been allowed to address the Senate.

Mr. MASON. I think the Senator from Maine is right in speaking of the usage of the Senate. Courtesy, which has always prevailed, and I hope will continue to prevail in the Senate, has waived many of the formalities of the strict rules; but the point of order having been made, I think the Chair decided it correctly. If the point is waived, the debate can go on; but the

question of order having been made, the Chair, I am sure, decided it correctly. The Senator from Maine, however, is right; the usage of the Senate has been, unless there was some controlling reason to the contrary, from courtesy, to allow these in-

formalities to take place.

The PRESIDING OFFICER. The Chair, with the permission of the Senate, will state that such was the opinion of the Chair, and he said to the Senator from New Hampshire that the Chair was willing to hear the Senator go on with the debate; and the Senator proceeded until the Senator from Wisconsin made the point of order, when the Chair was called upon to decide it. It is very possible that he may have decided it incorrectly, and he would be quite happy to have his decision set right by the Senate, but that was the opinion of the Chair.

Mr. DOOLITTLE. I do not stand much upon points of order; and, if the Senator from New Hampshire desires to address the Senate on this subject particularly, I shall waive the point as against him, and allow him to go on. My desire, however, was that we might come to a vote on this question, and, if possible, get through with this bill to-day.

Mr. FESSENDEN. I desire to know, sir, what books these are that are specified. The amendment speaks of books gen-

erally. I should like to know what they are.

Mr. DAVIS. The amendment covers the Army Regulations, the Military Laws, and the different kinds of tactics, of which there are the Infantry Tactics, prepared a number of years ago by General Scott, and the copyright of which I have been told is in the Harpers, but which I hope is in the Government: the Light Infantry Tactics, prepared by Colonel Hardee, the copyright of which belongs to nobody, but was in the Government, and they made a contract with the Lippincotts, in Philadelphia, to print it, with an obligation to print any additional numbers hereafter—the Harpers having printed the first to which I referred. Then there is the Cavalry Tactics, I do not know by whom printed—I think, however, by somebody under contract. Then there is the Ordnance or Artillery Manual, including artillery tactics—the handling of field pieces. All these tactics are subject to be called for by the militia. I believe no two of those books were printed at one place. I believe there is nothing except the price to be paid for them when they are purchased, which can be expended by the Government. The Military Laws, I recollect now, were printed in Baltimore.

Mr. FESSENDEN. I wish to inquire particularly in refer-

ence to the Military Laws; have they been compiled?

Mr. DAVIS. Yes, sir.

Mr. FESSENDEN. Whose compilation is it?

Mr. DAVIS. There are two: one called Hetzel's, and one Callan's. Callan's is the last, and if I were procuring it, the one I should obtain.

Mr. FESSENDEN. Then it is what I supposed it might be from the expression of the amendment. I can very well understand that it may be advisable to put into the hands of the militia these books of tactics; but I cannot understand why it is advisable to put into their hands the Army Regulations, although, perhaps, they would be worth something; but I certainly cannot understand at all why we should purchase an edition of this compilation of the laws of the United States on military matters to put into their hands; and these, I suppose, will make the largest part of the books to be ordered.

Mr. DAVIS. No, sir. That matter was considered by the committee, and we thought the military laws would be the very smallest of all. If the Senator thinks they had better not have them, that may be stricken out. The supposition was, that one copy to each brigade should be furnished, so that the authority to call a general court-martial of the military should have within that military division one copy of the military laws by which that court-martial would be governed. That was the case.

Mr. FESSENDEN. My own opinion is that these courts-martial do not happen very often among the militia; and if they

do, they do not amount to a great deal.

Mr. DAVIS. I think there is one point of misapprehension: and that alone I shall attempt to remove, for I am as weary as the Senate can be of debating these amendments. The idea seems to be that there is a discretion somewhere to expend the whole of this money on a particular kind of book, or upon two or three of the whole number enumerated. I think that is not so, and I think, under the amendment, the purchase and distribution would be controlled by the Governors of the States. It is to be done in the manner in which arms are now distributed. manner in which they are distributed is a settled, well-understood thing. If a State wants all rifles, she asks for them; if all muskets, she asks for them; if part ritles, part pistols, and part field battery, she so asks. As the requisition is made, so the issue is made. Arms not manufactured are purchased, where they are of a special kind to meet requisitions. I think that must be the way in this instance, and that the distribution will respond to the requisitions of the Governors of the different States.

Mr. MASON. Mr. President, I should have been far better satisfied if the entire control of the militia of the States had been left to the States; but the Constitution in its wisdom has taken it from the States. The Constitution provides in the clause about to be read by the Senator from Texas just now, that Congress shall have power to provide for arming, organizing, and disciplining the militia; and although it reserves to the States the power of appointing the officers, yet it requires that the training shall be according to the discipline prescribed by Congress. I never heard of this proposition until it was brought in by the chairman of the Committee on Military Affairs; but I strongly suspect that it arose in this way: Congress has power to arm the militia; it has power to provide for disciplining the militia, and for organizing them; and I take for granted that, from various quarters, applications are constantly coming to the Secretary of War to furnish the militia in the States with the means of organization and of being disciplined, as they are furnished with arms by the Government. The Government furnishes them with arms, according to my recollection, by an appropriation of \$200,000 a year. The Government is just as much bound to provide for disciplining as to provide for arming them; and not only are the States restrained from prescribing a form of discipline for their militia, but it is required that they shall be trained under the discipline prescribed by act of Congress. I presume that is the whole explanation; and I think, therefore, that the appropriation is well asked for, and ought to be granted; because, without it, this military arm of the Government must be rendered comparatively useless and unavailing. I think the Senator from Massachusetts, in proposing to put the sum at ten or fifteen thousand dollars, puts it too low. I do not know the cost of these books, but there are various of them for the different arms of the service which have been mentioned by the Senator who has charge of military affairs; and I presume that the estimates have been carefully made in reference to the probable demand upon the militia of the country. That is my view of it.

The PRESIDING OFFICER. The motion of the Senator from Maine to amend the amendment, in this state of the vote, in the opinion of the Chair, can only be received by unanimous consent.

Mr. FESSENDEN. If anybody objects to it, I have nothing further to say.

Mr. LANE. I object.

The PRESIDING OFFICER. Then the Chair will take the

negative vote on the amendment of the committee. The ayes

having voted, the negative is now to be called for.

Mr. MASON. I would suggest to the Chair that the Senate is more full than it was then; and therefore we had better take the vote anew.

The PRESIDING OFFICER. The Chair will so put the

question.

Mr. WILSON. If the question is taken on the original proposition, without any amendment, and it is lost, there is an end of it. I would suggest that, instead of requiring unanimous consent to a motion to amend the amendment, by unanimous consent we consider the vote partially taken as not taken at all, and start fair; and that, as we have commenced taking a vote, and have had a long debate, probably out of order, we now, by unanimous consent, consider that no question has been put to the Senate; and then we can have a motion made to amend the amendment.

The PRESIDING OFFICER. The question before the Senate is the amendment reported by the Committee on Military Affairs. The Chair has put the question to the Senate affirmatively, and the affirmative vote has been counted. The number of those voting in the affirmative was twenty-one. It is suggested that as the Senate is now fuller, it would be proper for the Chair to put the question again to the Senate, and to ask for the affirmative as well as the negative vote on the question. The Chair will so do, unless some Senator requests the contrary.

Mr. WILSON. Now cannot the Chair receive a motion to

amend the amendment?

The PRESIDING OFFICER. If it is understood that the question has not been put to the Senate, it is in order.

Mr. LANE. I object to any amendment.

The question being put, there were, on a division—ayes 20, noes 14.

So the amendment was agreed to.

Mr. DAVIS. I now propose to offer an amendment, being the same which was debated at great length when appended to the bill for the support of the Military Academy:

For the support of one regiment of Texas mounted volunteers, authorized by the act approved the 7th of April, 1858, \$788,392.03.

Mr. FESSENDEN. On that, I ask for the yeas and nays. The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 16, as follows:

YEAS—Messrs. Bayard, Benjamin, Bragg, Bright, Brown, Chesnut, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Lane, Mason, Polk, Rice, Saulsbury, Sebastian, Slidell, Toombs, and Wigfall—23.

NAYS—Messrs, Bingham, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Hamlin, Harlan,

Iverson, King, Ten Eyek, and Trumbull-16.

So the amendment was agreed to.

Mr. DAVIS. I have another amendment. It is to come in as an additional section:

And be it further enacted, That there be added to the medical corps of the Army, four surgeons and four assistant surgeons, to be appointed in accordance with the existing laws.

I will state to the Senate that this is recommended by the Secretary of War, and by the Surgeon General. The Secretary of War, in referring to the recommendation of the Surgeon General, speaks of it as a necessity. That necessity, I would say to the Senate, arises from the fact that we have multiplied posts without relatively increasing the medical officers; and it has presented a very remarkable instance of a corps having only one. two, or three officers on leave of the whole body of the corps, and that for some time past. The multiplication of posts and of detachments has created the necessity for employing civil assistants. Citizens are hired to perform the duties of surgeons, about whom the officers frequently know very little, at equal or greater cost than the maintenance of a surgeon, thus subjecting officers and soldiers, who have a right to claim the best medical assistance from the Army, to such assistance as they may be enabled to get on the frontiers, where they employ citizen surgeons. In the report of the Surgeon General, as well as in that of the Secretary of War, these facts are all set forth, showing that there is economy, as well as a better provision for the duty, in providing proper medical aid for the troops by the increase which is proposed, and which is a very moderate one indeed.

The amendment was agreed to—ayes 21, noes not counted.

Mr. DAVIS. I next offer an amendment, which contains the items for the purpose of commencing and continuing fortifications, some of them being additions to old works, and others of them a continuance of the construction of works. We have no fortification bill before the Senate, and no assurance that there is to be one; and the Committee on Military Affairs have, after

careful examination, selected from the estimates of the bureau of engineers such fortifications as they thought required appropriations for the present year. I hope the Senate will give their attention to the reading of the amendment.

The Secretary read the amendment, as follows:

And be it further enacted. That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the following fortifications:

Fort Montgomery, Lake Champlain, New York, \$20,000.

Fort Knox, Penobscot Bay, Maine, \$25,000.

Fort on Hog Island Ledge, Portland harbor, Maine, \$50,000. Fort Winthrop, Boston harbor, Massachusetts, \$10,000.

Fort at the entrance of New Bedford harbor, Massachusetts, \$25,000.

Fort Adams, Newport harbor, Rhode Island, \$5,000. Fort Richmond, Staten Island, New York, \$15,000.

Fort on the site of Fort Tompkins, Staten Island, New York, \$50,000.

Additional batteries at Fort Hamilton, at the Narrows, New

York, \$100,000.

Fort Carroll, Baltimore harbor, Maryland, \$100,000.

Fort Delaware, Delaware river, \$75,000. Fort Monroe, Hampton Roads, Virginia, \$5,000.

Artesian well at Fort Monroe, \$6,000.

Repairing Government bridge over Mill creek, near Fort Monroe, \$500.

Fort Calhoun, Hampton Roads, Virginia, \$100,000.

Preservation of the site of Fort Macon, Beaufort, North Carolina, \$10,000.

Repairs of Fort Moultrie, Charleston harbor, South Carolina, \$8,500.

Fort Clinch, Amelia island, Florida, \$50,000.

Port Taylor, Key West, Florida, \$100,000.

Fort Jefferson, Garden Key, Florida, \$100,000.

Fort McRae, and preservation of site, Pensacola, Florida, \$25,000.

Fort Gaines, Dauphin island, Mobile Bay, Alabama, \$30,000. Fortifications on Ship island, coast of Mississippi, \$30,000.

Fort Pike, at the Rigolet Pass, Louisiana, \$1,000.

Fort Macomb, Chef Menteur Pass, Louisiana, \$1,000.

Battery Bienvenue, Louisiana, \$3,000.

Fort Jackson, on Mississippi river, \$16,000. Fort St. Philip, on Mississippi river, \$15,000.

Fortifications for defense of entrance into Galveston harbor, \$25,000.

Fort at Fort Point, San Francisco, including outworks, \$50,000.

Fort at Aleatraz island, San Francisco Bay, California, \$50,000.

Repairs and alterations of barracks, quarters, hospitals, storerooms, and fences at the permanent forts not occupied by troops, \$10,000.

Contingent expenses of fortifications, preservation of sites, protection of titles, and repair of sudden damage, \$30,000.

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. COLLAMER. I wish to ask the chairman of the Military Committee whether these are estimates that have come from the Department? Are they among the regular estimates?

Mr. DAVIS. Yes, sir.

Mr. COLLAMER. I mean the estimates which were sent to Congress at the commencement of the session?

Mr. DAVIS. I will answer the Senator even something more than his question. They are the estimates made from the engineer bureau; and the Committee on Military Affairs called before it the two officers in the engineer bureau, went over all the items, rejecting such as they considered might be postponed, admitting only such as they considered necessary at this time, embracing those works which were deemed absolutely essential to be prosecuted and accomplished before the commencement of a war, and repairs of those where small amounts are necessary, and which will involve, if postponed, greater outlays.

Mr. COLLAMER. I had really this on my mind. I do not desire, as a general rule, to vote to any Administration that which they do not want, and have not asked for. If they need this, and say they need it, and it is within their estimates, very well.

Mr. LANE. It is all estimated for.

Mr. COLLAMER. When I say "estimated for," I desire to be understood. We have been told by the Secretary of the Treasury that he can get along with the Government so and so in relation with his money, unless Congress makes appropriations beyond the estimates. Now, I want to know whether this is included in those estimates. I do not wish that we shall take on ourselves the responsibility of making additions to them.

Mr. DAVIS. You wish to know whether the annual estimates from the Treasury Department covered this?

Mr. COLLAMER. Exactly.

Mr. DAVIS. I think not.

Mr. COLLAMER. Then, according to his statement, he can-

not get on with the Government, unless he gets more money in

some way.

Mr. DAVIS. As a member of the Committee on Military Affairs, and as a Senator, I propose to take the responsibility of seeing that no damage comes to the Republic, whether the Secretary of the Treasury recommends my course or not.

Mr. TRUMBULL. I desire to inquire of the Senator from Mississippi whether the Department, the Secretary of War, has

recommended these appropriations?

Mr. DAVIS. Yes, sir; they are in the report of the Secretary of War, being a report which he sends in from the engineer bureau accompanying his own report. The Secretary of War, I think, has cut down these estimates; but these items are all in the estimates. I have handed the estimates to the chairman of the Committee on Finance.

Mr. HUNTER. I may be mistaken, but I was under the supposition that these were included in the aggregate \$51,000,000 estimate.

Mr. DAVIS. The estimate of the Secretary of the Treasury? Mr. HUNTER. I think so. If they are under the amount estimated in the \$51,000,000, I am very willing to take the judgment of the Committee on Military Affairs.

Mr. DAVIS. No, sir; they are not under it, I think. Six hundred and seventy-five thousand dollars seems to be the amount contained in these estimates, as I judge by the volume before me. Our amendment is over a million—\$1,141,000.

Mr. HUNTER. I should be very willing to vote the amount estimated, as the Committee on Military Affairs would distribute it. I would defer to their judgment in that; but I cannot vote to exceed the estimates of the Department. If the Military Committee would distribute the sum estimated, I would take their judgment about it.

Mr. DAVIS. If I had a fixed sum to distribute I should not hesitate to make the attempt. The Senator perceives, however, at once, that I could have no power so to act. I am acting now under the advice of the committee. The committee have thought proper to continue all of the items enumerated in the amendment. They differ somewhat from those in the estimates.

Mr. GRIMES. Allow me to ask, does the amendment provide for the maintenance and continuance of the construction of works already in existence, or are there any new works proposed?

Mr. DAVIS. There is no new work. There are some two water-batteries to be added to old works. That is all which can be called new in any sense. The rest is the continuance of con-

struction. The amount exceeds the sum in the estimates before me, and is subject, therefore, to the objection made by the Senator from Virginia, and suggested by the Senator from Vermont. The Secretary of the Treasury presents estimates for \$675,000; we ask for over a million.

Mr. FITZPATRICK. I am one of the committee that examined very particularly all the items embraced in the amendment. and I gave it not only my support, but my cordial concurrence. Whilst I am willing, on all ordinary occasions, to adhere to the estimates made by the several heads of Departments, like the Senator from Mississippi I claim to judge for myself, as a Senator, what is due to the public interest. This amendment is not offered at random. It is based on the estimates of the most intelligent engineers we have in the United States, whose duty it was to examine into this matter and to report the facts to the President. The Administration, however, were disposed to economize, and fixed a certain limit beyond which they were unwilling to go. If you look into the estimates of the officers having charge of these fortifications, you will find that they are almost three times as large as the amount the Administration recommended. For the purpose of economizing, and showing Congress that they wanted to fall within certain limits, the Administration required the engineers to make an arbitrary estimate, without rhyme or reason, to come within a certain limit. In doing that, the amount was cut down to \$675,000. In making that arbitrary reduction, they left some of the most important works on the coast entirely at the mercy of the elements; everything to be disbanded, and not even a dollar to be appropriated for the preservation of the works.

We had a little experience on this subject at the last session of Congress. The great cry then was that we had no money, and that we must not appropriate anything; and really some of the most valuable works on the Gulf of Mexico were left without an appropriation of a solitary dollar in the bills as they came from the House of Representatives, in accordance with the estimates of the Departments. The fortifications at Key West and the Tortugas were left without the appropriation of a single dollar, thus leaving open the very key to the Gulf; and we were told then, by the vigilant chairman of the Committee on Finance, that if we put that appropriation upon the appropriation bill, he did not know where the money was to come from. Well, sir, we put upon the bill an amendment very similar to this, and the Government has survived the shock, and the works have been regularly in progress.

Now, I do not impart very great credit and influence to the recommendations of the Departments when they call on intelligent engineers to make an estimate coming up only to within one fourth of what was estimated in the first instance, and to fall within an arbitrary limit, and to say you must carry on the service for a certain sum without reference to the public interests, and turn everything loose to the mercy of the elements to be destroyed, costing the Government, in the end, more money really than the amount of a proper appropriation now.

That was the sense of the committee, and I believe I shall be borne out by every Senator on the committee. I believe the same state of affairs existed in Congress at the last session, and then there was a greater cry for money than there is now. I know that there are works which, if left without an appropriation to drag along in their present condition, will, at the end of another year, be in such a condition that it will cost half the amount of the appropriation to put them in the position in which they now are, and repair the destruction that will have taken place.

Hence, although I am disposed, on all occasions and at all times, to pay the most profound respect to the intelligent officers who make these estimates, from the President down, when they act on reasonable principles and on a proper basis, yet when they command the scientific officers whose duty it is to look to and watch over these works to cut down their estimates from \$3,000,000 to a nominal sum, and say to them that they must fall within a particular limit, leaving the most important works of the country unprotected, I say that, as a Senator, and as one whose duty it is to guard the interests of the country, I will not consent to it; but I am willing to vote for all appropriations necessary to promote the public interest.

Well, sir, what have we recommended here? We have called these officers before us, and we have asked them if these works were not essential. We have asked them what will be the consequences of a failure to appropriate the money; and then they said to us that we have not come near the limit which they themselves would impose; but, looking to economy, looking to the interests of the country, the committee unanimously recommended these appropriations. I say to the Senate that if you do not make them the public interest will suffer.

Mr. WILSON. A single word in regard to this matter. The officers of the Government, of the proper bureau, recommended an appropriation of between one million nine hundred thousand and two million dollars for fortifications for the coming year.

The Secretary of War reduced this to less than seven hundred thousand dollars in the estimates sent in. The committee took this matter up; and as the appropriations last year for fortifications were cut down to a very small sum, they sent for Colonel De Russy and Colonel Wright, who came before the committee and explained the condition of the fortifications in all portions of the country. The committee took up the condition of every fortification, made all the investigation it could, and agreed to appropriate what it thought was the smallest sum the public interest required should be appropriated for the coming year. That sum, I think, is about one million two hundred thousand dollars—something like seven or eight hundred thousand less than the engineer bureau recommended, but larger than the Secretary of War estimated for. I hope that the Senate will sustain this amendment, which has been reported by the concurrence of all the members of the committee who were engaged in this investigation.

Mr. JOHNSON, of Tennessee. I wish merely to state, before the vote is taken, that I have paired off with the Senator from California, [Mr. Latham.] If I were at liberty to vote, I should vote against the amendment.

The question being taken by yeas and nays, resulted—yeas 30, nays 10; as follows:

YEAS—Messrs. Bayard, Benjamin, Bigler, Bragg, Brown, Cameron, Chesnut, Clingman, Collamer, Davis, Doolittle, Fessenden, Fitch, Fitzpatrick, Foster, Green, Grimes, Gwin, Hamlin, Hammond, Hemphill, Iverson, King, Lane, Pearce, Rice, Saulsbury, Sebastian, Wigfall, and Wilson—30.

NAYS-Messrs. Bingham, Chandler, Dixon, Hale, Harlan,

Hunter, Polk, Ten Eyck, Toombs, and Trumbull-10.

So the amendment was agreed to.
Mr. DAVIS. The next amendment is:

That the allowance of sugar and coffee to the non-commissioned officers, musicians, and privates of the Army, as fixed by the seventeenth section of the act of the 5th of July, 1838, shall hereafter be ten pounds of coffee and fifteen pounds of sugar to every one hundred rations.

When the spirit ration was taken from the soldier, he was given coffee and sugar in lieu of it—six pounds of coffee and twelve of sugar to every one hundred rations. It appears, by a letter of the Secretary of War, that this is found insufficient,

particularly where the men are much exposed. It is proposed in the amendment, according to the recommendation of the Department, to substitute ten pounds of coffee and fifteen of sugar for the amount they now receive.

The amendment was agreed to.

Mr. DAVIS. The next amendment is:

And be it further enacted, That every person not subject to the rules and articles of war who shall procure or entice a soldier in the service of the United States to desert; or who shall harbor, conceal, or give employment to a deserter, or earry him away, or aid in carrying him away, knowing him to be such; or who shall purchase from any soldier his arms, equipments, uniform, clothing, or any part thereof; and any captain or commanding officer of any ship or vessel, carrying away any such soldier, as one of his crew or otherwise, knowing him to have deserted, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding five hundred dollars, and be imprisoned not exceeding two years.

The amendment was agreed to. Mr. DAVIS. The next is:

And be it further enacted, That the provisions of the first section of the act granting pensions to the widows and orphans of persons dying in the naval service, approved August 11, 1848, be extended to the widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the Army of the United States.

Mr. HUNTER. I hope we shall have the yeas and nays on that. That is to add very largely, as I understand, to the pension

system.

Mr. PEARCE. I am not willing to vote for the amendment for several reasons. We have a system of naval pensions, established since I came into the Senate, which has been very much perverted by the constructions given to it. If we adopt the proposition now offered, we shall have the same perverted constructions applied to that. We know that the naval pensions were given, and expected originally to be paid, out of the Navy pension fund. It was made up of portions of the prize money of captured vessels and cargoes. All contributed to this pension fund; and out of that, for a great many years, we paid all our naval

Congress, in 1837, by an extravagant, unadvised, and, I think I may say, profligate act, wasted the whole of that fund in the space of one or two years. Then they thought themselves bound to pay the Navy pensions. Inasmuch as they had wasted the fund, diverted it from its true purpose, by their own act, it was thought that Congress were bound to replace that money. and continue to pay the naval pensions, as they had done before. So we have continued. Since I have been in the Senate of the United States, the Committee on Naval Affairs reported a bill which was intended to establish a system of Navy pensions. They intended to give pensions to the widows of those who were killed in battle; to the widows of those who died of wounds received in battle, or of casualties incurred in the course of service; and, of course, to invalids. But this law has been perverted by the practice of the office, and by the action of Congress, very often. They now give pensions, I believe, to the widow of every man who dies of any disease contracted while he is engaged in duty. They call that being in the line of duty. The Navy pensions, of course, increased greatly under that system. There is very good reason for giving a pension to the widow of a man who has lost his life in the service of his country in battle, or by reason of any casualty; but he who dies in the full fruition of the honors and emoluments of his profession, not because he has been exposed by his service to some casualty—as the falling of a block from the mast, which fractures his skull; or the yellow fever or African fever, incurred by his being sent on special service to the coast of Africa—he who dies in the ordinary course of nature, his disease not being due at all to his service, but being the result of that liability which belongs to the whole human race—why should his widow have a pension? That will be the rule if we apply it to the Army; and God only knows what will be the amount of expense chargeable on the revenues of the Government if we adopt it.

Besides, sir, I think that a new pension system for the Army ought not to be the subject of an amendment to the Army appropriation bill. It does not seem to me to be a proper occasion. We want more time to consider it, to see how it is to work, to calculate all the expense. We have a great many more officers in the Army than in the Navy; and I apprehend that the cost will be much greater. I think it ought to be reserved for another session of Congress, when we shall have time to consider it thoroughly.

Mr. DAVIS. Mr. President, a bill containing the provision incorporated into this amendment was reported by the Com-

mittee on Military Affairs some time ago; and on an objection of one member of the Committee on Pensions, it was referred to the Committee on Pensions. I do not know whether it has been reported back. The chairman, however, told me it would be, and that the Committee on Pensions concurred in it; so that it is not suddenly presented to the view of the Senate. It has been brought before the Senate in such form as to give them full time for deliberation.

In the next place, as to the difference of funds, I will merely say that the Navy had the advantage of prize money, but the Army, by a very humane, and perhaps judicious, view taken by our Government, were excluded from pillage money; and the property, public stores, and money, captured by the Army, at various times, has greatly exceeded that taken by the Navy. In the war with Mexico alone, the captures of public property would have exceeded all the pensions which have been paid since, or that would be paid, under this amendment, to the Army. It is known to the Senate, that we are always passing special bills; that one after another is enacted. Wherever a widow has friends who will advocate her case, that case is acted upon as a private bill. This is merely to equalize justice, which should be brought down always to the level grade, to enable those who have no friends to receive the advantage now contributed. I believe, in every instance to those who have, to put the widow of the soldier on the same footing as the widow of the sailor. If the laws have gone to excess, if their construction be against the spirit of the laws in the case of the Navy, that certainly should be remedied; and that remedied form should have its application to the Army. But I think the distinction is without a difference. or, if there be a difference, it is in favor of the Army instead of the Navy, yet the practice is to give the pensions to the widows of the Navy, and to exclude the widows of the Army. It is this discrimination that I consider unjust, which has induced the committee to present the amendment in the form in which it now is; so as to put them under the same legislation, and to give to one the advantage which the laws accord to the other.

The amendment was rejected.

Mr. DAVIS. The next amendment is:

And be it further enacted, That the Secretary of War be, and he is hereby authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the State of Iowa such sums of money as were paid by that State to troops called out by the Governor of Iowa in 1857, 1858, and 1859, to protect

the frontier from Indian incursions: *Provided*, The Secretary shall be satisfied that there was a necessity for calling out these troops; that the amounts have been actually paid by the States; that no greater pay or allowance be given than were received by officers and soldiers of equal grade at that period in the United States Army, and that the amount so to be paid shall not exceed the sum of \$18,988,84.

The case, as presented by the State of Iowa, has been audited by the public officers of that State, and arises in the Senate on a memorial from the Legislature of the State of Iowa. The vouchers are here. The amount is that which is stated as the limitation. The accounting officers, of course, will require that each payment shall be properly vouched. The case is before the Senate.

Mr. RICE. If I heard the amendment rightly, I think there is an error in the dates. I think it says 1858 and 1859.

Mr. GRIMES. 1857, 1858, and 1859.

Mr. RICE. That is right.

The amendment was agreed to.

Mr. DAVIS. I now offer an amendment in the case of Texas, similar to that just adopted in the case of Iowa:

And be it further enacted, That the provisions of the second section of the act of the 3d of March, 1859, be extended, so as to include all the money advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State, since the 28th of February, 1855: Provided, The Secretary of War shall be satisfied that there was necessity for calling out these troops, that they were called out by the competent authority, and that the amount so claimed was actually paid by the said State. And that the amount hereby provided for shall not exceed the sum of \$123,544.51.

This arises as the other case, and similar vouchers are sent here by the accounting officers of Texas. These cases are parallel.

The amendment was agreed to.

Mr. DAVIS. The Senate will be glad to hear that I now offer the last amendment of the committee:

And be it further enacted, That the professors now at the Military Academy who have been appointed from the engineer corps shall, with their consent, be restored to their former corps, with the grade and rank to which they would respectively have succeeded had they remained continuously in the line of pro-

motion: *Provided*, That two majors be added to the said corps, and that the officers restored as above shall be appointed by the President, by and with the advice and consent of the Senate.

This is to give effect to the second section of the act of 1812. The act of 1802, the organization of the Military Academy under Mr. Jefferson, made it the headquarters of the engineer corps. It was found in the progress of the Academy, that it was necessary to take a few teachers from civil life. At a subsequent period on the 29th of April, 1812, an act of Congress provided for professors who should be officers of the engineer corps and those who should not be officers of the engineer corps. Thus it was in contemplation that, so far as the engineer corps furnished professors of the Academy, they should remain members of that corps: but if professors were taken elsewhere than from the engineer corps, then they were to have the salary fixed by the second section of the act of 1812. In two cases, it has arisen that engineers, now professors at the Academy, had, when they were made professors, to resign their position in the engineer corps, I think, by an erroneous construction of the act, which, if the Senate choose, I shall have read. One of them protested against resigning, but the Department required him to do so. He claimed his right, under the act of 1812, to the professorship, without giving up his position in the engineer corps.

Without going into the reasons which induced the bureau to give that construction, it is enough to say that the construction has been given, and under it the two officers alluded to, now professors in the Academy, who were taken from the engineers corps, had to resign their commissions in the engineer corps, and lost their right to promotion. The object is to restore them to the corps in the places they would have had if they had continued in the line of promotion; and that no injury may be done to any one else in the corps or out of it, we cover the case by

adding two majors to the corps of engineers.

The question being put, there were, on a division—ayes 22, noes 9; no quorum voting.

Mr. WILSON. I move that the Senate adjourn. ["Oh, no."]

I think we cannot get through with this bill.

Mr. TRUMBULL. I think we had better adjourn. We cannot get through with the bill, and we shall only weary ourselves by sitting longer.

The question being put, there were, on a division—ayes 11,

noes 21.

So the Senate refused to adjourn.

Mr. GRIMES. I call for the reading of the amendment.

The amendment was again read.

Mr. HALE. I want to ask the Senator from Mississippi a question, and that is, whether these men, when they were appointed professors and resigned their commissions in the engineer corps, did not do it understandingly? Did they not know that was the construction of the law, and enter upon this position advisedly?

Mr. DAVIS. I can only answer as to one with whom I had a recent conversation. He said he did not consider his acceptance of the appointment as professor as vacating his commission as a lieutenant of engineers, and that he objected to the resignation on that ground. Finally, he refused to resign, and being further urged, he sent in his resignation of the two commissions to the chief of the engineers, and told him to send whichever one he pleased to the War Office. He sent the resignation for the lieutenancy of engineers, and returned to the officer the resignation of the professorship. He spoke of it with regret that he did not remain in the corps,

Mr. GRIMES. How long ago was that?

Mr. DAVIS. Since he resigned? I should think twenty years.

Mr. HALE. I think this is too late to rectify it.

Mr. GRIMES. How many majors of the engineer corps does this make?

Mr. DAVIS. It adds two.

Mr. TOOMBS. I would suggest to the chairman of the Military Committee that, if the object is simply to do justice to these men, it might be restricted so as to provide that the vacancies shall not be filled when they die.

Mr. DAVIS. Oh, they do not intend to die. [Laughter.]

Mr. TOOMBS. I believe they do not. There seems to be a sort of immortality connected with almost anybody quartered on the public Treasury.

Mr. FESSENDEN. I wish to renew the motion to adjourn. There are a good many other amendments to be offered after the Committee on Military Affairs get through with their amendments; and it must be obvious that the chairman of that committee does not want to stay here any longer, and cannot very well, consistently with his health and the very great labor of the committee. I make the motion on his account. I do not think we ought to push too far.

The motion was agreed to, there being, on a division—ayes twenty-nine, noes not counted; and the Senate adjourned.

Remarks on the Army Appropriation bill. June 5, 1860.

Mr. DAVIS. I think the Senator from Iowa has made some mistake. It would be no injustice to anybody. It would be rather an advantage to the captains, because it would be increasing the number of majorities, and consequently the liability to casualty in the grade. It would be no injustice to them to put in persons who would be majors over them if they had remained in the line of promotion, who have remained continuously in the line of service, but in the service as professors. The pay, I think, will be the same.

Mr. GRIMES. They are mere civil officers. They hold their appointments, not from the President, as I understand, but from

the Secretary of War. I may be mistaken about that.

Mr. DAVIS. They are called military officers, and they have been so decided by the Attorney General. Upon a question whether they were entitled to service rations, the Attorney General decided that they were officers of the Army. Hence their service rations as officers of the Army. They have, therefore, been continuously in the Army; but not in the line of promotion. They get the advantage which the Senator from Iowa spoke of; but which they would have got under the law of

1812, by being assigned to duty as professors.

So much for the personal consideration, which, I trust, is minor, in the consideration of every one, to the public consideration. Now, I ask the Senator to turn his attention from the personal to the public consideration. No injury, no injustice, by it is to be done to any one. It will be an advantage, rather, to the captains in the corps. The public consideration is, that an officer of engineers, being selected under existing law as a professor, and put upon duty as such, power shall be given, when, for any reason, it shall be preferable, to relieve him from the duty of a professor and send him to his corps rather than he be kept at the Academy. It generally happens to every professor, who continues to repeat the same course for a great number of years, that he will at last be worn out by the constant repetition of the same thing, by confinement at the same place, and the same duty; and if he has been engaged either as a professor of natural philosophy or of engineering—those are the two cases he has qualified himself, perhaps, in a still higher degree, to return to the duties of the corps, than if he had been kept all the while in the work of instruction. I do not think any injury can inure to any one and that there will be an advantage to the

public service in allowing professors to be taken from the engi-

neer corps as now provided by law.

If I were disposed to go into the subject, generally, of reform, I would say from either of the scientific corps—that is, the two corps of engineers and ordnance—professors might be taken to be returned to their corps at any time. The time of course ought not to be very brief during which they should serve as professors; but when they have become worn out as professors, they may still be able to perform duty in the corps; and it will be an advantage to the public to send them back, and take other officers to perform the duty of professors.

Then, I would say further, if I were on the subject of the reorganization of the academic staff, in my opinion, it should consist of officers of the Army only. It is a military institution. The cadets are warrant-officers of the Army, and the academic staff, having the whole control and discipline of the Academy, I think, ought to be officers of the Army. Thus it was found in the experience of those schools of Europe which have been brought to the greatest perfection. The officers having charge of the different schools of France, Prussia, Austria, are all officers of the Army, and properly so, I think. This amendment is merely an act of justice to two individuals, and resulting in a public benefit.

Mr. HALE. I hope the chairman of the committee will allow me to ask him a single question.

Mr. DAVIS. Certainly.

Mr. HALE. And that is, whether, in his opinion, the exigencies of the public service at this time require the creation of

two additional majors in that corps?

Mr. DAVIS. I do not think it could be any harm to have two additional majors; but I do not think that is exactly what we propose to do. It would still require these two majors to be employed as professors probably, though this is one of the things which was first introduced in the organization of the Army. If the Senator will notice the legislation and the reports upon the subject back to a very remote period, it was remarked that the corps of engineers, being a small corps of select officers, lost the promotion which was attained by going into the line. If you will take up the Register and compare the dates of entering into service, you will find the very officers selected because of their attainments and put in the corps of engineers have less rank than those of lower attainments who entered the cavalry and infantry. They have less grade because the field grade and the engineer corps is not large enough to create the number of vacancies to

which they may succeed. In point of fact, therefore, you give the smallest proportion to the man whom you recognize as having

the highest merit.

Mr. COLLAMER. I desire to ask the gentleman a question. If I accurately understand the principle, it is proposed to restore these officers back to the line of active promotion after they have served an apprenticeship at the Academy. Why can it not be done by dispensing with the fore part of the amendment, in regard to taking the rank in the Army, and merely providing that there shall be two majors in the engineers additional, and put them in to occupy those places?

Mr. DAVIS. I do not know that I understand the question. Mr. COLLAMER. I understand this proposition is, in the first place, to let these officers take rank in the Army; and thereby attain for themselves the rank they would have had if they had remained in the Army, that is, to get their promotion. Now why not leave out that part, and just add two engineers to the engineer corps, and appoint these men to them, without disturbing the line at all? Could not the object be attained by creating these two places to be filled by these men in the line of appointment, and not disturb the line of promotion in relation to other men?

Mr. DAVIS. I do not see how it does disturb the line of

promotion.

Mr. COLLAMER. I understand these men are to go back into the line, and there will be difficulty with others who have been in the line all the while, about rank. It, therefore, disturbs those men who are in the line. Why not add two majors, and appoint these persons to fill those places?

Mr. DAVIS. Really I do not understand the gentleman. If you add two majorities, and appoint these men to them, I do

not say that he has not effected everything.

Mr. COLLAMER. Well, if we did that, it would not disturb them, as the first part of the amendment does, by letting these men go back into the line and take the rank they might have had, had they remained in it. The first part might disturb other

people, as I understand it.

Mr. DAVIS. I do not think the Senator understands the amendment. The addition of these two majors is made contingent upon these two men coming back into the engineer corps, and it was exactly to avoid the objection which I anticipated, such as the Senator from New Hampshire suggests, whether it is not making two more majors; it was to present the reason of the addition. I will make it clear to the Senator in this way: sup-

pose one of the professors should not choose to accept the majority and go back into the engineer corps, you would promote a captain to a majority, and you would thus increase the promotion of the engineer corps, to which I should have no objection, but without the reason which is offered for it.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment reported from the Committee on Military Affairs?

The question being put, on a division, there were—ayes, fifteen; noes not counted.

The PRESIDING OFFICER. The amendment is considered as lost, not a majority of a quorum voting in the affirmative.

Mr. BROWN. You have not taken the other side. Take the negative.

Mr. COLLAMER. It is not necessary.

The PRESIDING OFFICER. The amendment is necessarily lost, not a majority of a quorum voting for it. The amendment is lost,

Mr. DAVIS. The vote has not been fully taken. I ask for the yeas and nays, if it be the pleasure of the Senate to take the yeas and nays on the question.

Mr. WILSON. We can divide just as well.

Mr. DAVIS. A division has not brought the result. I ask that the question be taken by yeas and nays in order that we may get the expression of the Senate.

The PRESIDING OFFICER. The result was announced; but still the Chair will take the sense of the Senate upon ordering the year and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 35; as follows:

YEAS—Messrs. Bright, Chesnut, Davis, Fitch, Fitzpatrick, Hammond, Hemphill, Iverson, Johnson of Arkansas, Kennedy, Lane. Latham, Polk, Powell, Rice, Sebastian, Seward, Wigfall, and Yulee—19.

NAYS—Messrs. Anthony, Bigler, Bingham, Bragg, Brown, Chandler, Clark, Clingman, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Green, Grimes, Hale, Hamlin, Harlan, Hunter, Johnson of Tennessee, King, Mallory, Pearce, Pugh, Saulsbury, Simmons, Slidell, Sumner, Ten Eyek, Trumbull, Wade, Wilkinson, and Wilson—35.

So the amendment was rejected.

There are certain allowances to officers which are not emoluments, but which are given to them for the performance of a particular duty, such as the ten cents a mile for travel. The Senator from New Hampshire, familiar with the pay-roll of the Navy, probably assimilates the Army to it, and falls into a great mistake. There they get the same allowance for travel; but it is not annually reported, as it is in the case of the officers of the Army. So there are allowances for fuel and quarters; and an allowance for forage, which covers only about one half what the officer has to pay in very many of the stables. If all these are to be taken into the account of the word "allowances," it would be anything else than equitable; because one year an officer may travel very extensively, always, however, under orders, and then he gets ten cents a mile for every mile he travels; and another year he may not travel at all. This is one of the causes of the great fluctuation in the payments made. The adoption of this rule would operate onerously on those who performed extraordinary duties in particular years, and be a premium to those who had very little to do.

Mr. HALE. I do not know much about the details of it, but I see that there are several officers stationed in this city who receive more than five thousand dollars a year; and it is done in various ways. I think that is a limit which it would be safe to

adopt.

Mr. HUNTER. I ask the Senator from New Hampshire if he hopes to be able to legislate on this subject of pay on the appropriation bills at this hour? If he wants time, let us adjourn and come back to-morrow.

Mr. HALE. Oh, no; I only ask for a vote.

Mr. JOHNSON, of Arkansas. I hope we shall have a vote and carry it.

Mr. ANTHONY. Before the vote is taken, I desire to say that I have paired off with the honorable Senator from Louisiana, who is absent, [Mr. SLIDELL.]

The question being taken by year and nays, resulted-year

19, nays 21; as follows:

YEAS—Messrs. Bingham, Chandler, Clark, Doolittle, Durkee, Fessenden, Grimes, Hale, Harlan, Johnson of Arkansas, King, Nicholson, Pugh, Simmons, Toombs, Trumbull, Wade, Wilkinson, and Wilson—19.

NAYS—Messrs. Benjamin, Bigler, Bragg, Brown, Davis, Fitzpatrick, Foster, Green, Gwin, Hemphill, Hunter, Iverson, Latham, Mallory, Pearce, Polk, Powell, Rice, Saulsbury, Se-

bastian, and Ten Eyck-21.

So the amendment was rejected.

Mr. ANTHONY. I move to reconsider the vote non-concurring in the amendment in relation to the signal officer. I shall not vote for it, but I make the motion.

Several SENATORS. What is that?

Mr. DAVIS. The proposition providing for a new officer to be called a signal officer.

Mr. JOHNSON, of Arkansas. Has a Senator a right to move a reconsideration and then say he does not intend to vote for it? Mr. DAVIS. Certainly he has. How he will vote, does not affect that right.

The PRESIDING OFFICER. The Chair thinks the Senator from Rhode Island has a right to make the motion.

Mr. DAVIS. I want to say simply in relation to this, that I hope the Senate will act understandingly on it. It is to confer on the President power to appoint somebody with the rank, pay, and emoluments of a major of cavalry to be a signal officer of the Army, and to be under the orders of the Secretary of War alone. It is to bring into the Army a new major, who shall belong to no corps or department; who, therefore, unless he be the head of a new bureau, around which hereafter is to be gathered a corps thus to operate in the Army, will be entirely worthless. Who the President may appoint, I do not know. If he should appoint the person who has already been engaged in preparing signal flags, or if he should appoint any other person, he will be of no use to more than one place in the Army. If he should be sent there, and if the object be to give this any general application to the Army, it follows as a matter of course that he becomes here a nucleus for the formation of a new bureau, and for the creation of a number of officers equal to the number of the requirements of the service, so that one signal officer may be with each division or detachment of the Army. I do not think the Senate could have comprehended the fact that they were thus instituting a new officer of high grade, allowing the President to take him where he pleased, thus going right over the heads of all those who have been struggling so long to reach the grade of major; and when this office is instituted, the officer is necessarily to become the head of a new bureau to be established in Washington. It can amount to nothing else, if there be any logic in it; and I hope the Senate, on a fair view of the case, will not allow it to pass.

Mr. LANE. I do not want to take up the time of the Senate, and I shall not occupy five minutes. Indeed, I am willing to allow the vote to be taken now, with the expression that my

conviction is, that the establishment of this office of signal officer in the Army is very important, and that none of the evils will follow that the Senator from Mississippi imagines may. It is not the making of a bureau. It is not creating an office that will require any bureau or any new corps of officers; but he is to be attached to the Adjutant General's department, under his orders, to instruct the Army in a system of signals.

Mr. GWIN. Whom is he to instruct?

Mr. LANE. Every regiment and corps of the Army.

Mr. DAVIS. How is he to get them?

Mr. LANE. It will be his duty, under the orders of the head of the Army, to go to the different regiments, if you please, and there in person instruct these men in the signals. No evil on earth can grow out of it. No bureau can be created in consequence of it; none whatever.

Mr. LATHAM. I move that the Senate adjourn. ["Oh, no."] We have broke out in a new place, and we shall have to

debate this thing all over. ["Vote, vote!"]

Mr. LANE. Let us take the vote.

Mr. FESSENDEN. We cannot get through in any other way than by going right on.

Mr. LATHAM. There will be another motion to reconsider. Mr. FESSENDEN. If the Senator had been here a little longer, he would know that we can never get through bills in any other way than by having patience and fighting them out.

The PRESIDING OFFICER. The motion to adjourn is not

debatable.

The motion was not agreed to.

Mr. MALLORY. Mr. President, I was not present when the vote was taken by which this signal officer was secured; and although I have diligently inquired for some reason for the establishment of this new office. I have failed yet to find any, and I can see nothing in it but the establishment of a sinecure in the Army, and let me assure the Senate that the Army cannot stand a sinecure. It will break that or any other service down. I cannot imagine why a new officer with the rank of major is to be established as a signal officer, when he will be of no service to the country at any other time than a time of war. I cannot imagine that in time of peace you can find any service for him: and in time of war, I am not satisfied that you can find any service for him anywhere but on a single field. I am not satisfied further of the policy of taking the signal officer from that particular duty, through the Adjutant General of the Army, who is established to transmit military orders, and making him an independent officer, subject alone to the Secretary of War, introducing an entirely new feature into the discipline of the Army.

If a signal officer is demanded at all, he is demanded in your naval service. There you have use for signals every day in the year, on every part of the habitable globe. When fleets are sailing together, or in sight of each other, they are in the habit of communicating by signals; yet no such policy has been dreamed of there. I would vote for this if it were to increase the efficiency of the service. If it is for the interest of the country to have this office, I will give my vote for it; but I am in entire ignorance about it. I suppose some person unknown has discovered some new method of communicating in battle some signal, and the Congress is to create a new office without any further information about it. I know nothing about it, and if any gentleman does, I should like to have a little light.

Mr. BROWN. I know very little about Army matters, and therefore shall not undertake to discuss them; but, as I understand this proposition, it is this: a Dr. Myer, who is a surgeon, or assistant surgeon, in the Army, discovered or invented a system of signals, which has been approved by the Secretary of War, and by a board appointed to test them, and, I am glad to sav, by my colleague, the late Secretary of War. They seem to be universally admitted to be a good thing—a capital thing. My colleague, the other day, said he was willing to pay the inventor or discoverer, whatever he may be, of this system of signals, a sum of money; which, I understand, he refuses to receive, on the ground that he does not want that kind of recognition of any service he has rendered to the Army. I understand him to be a gentleman of large fortune, to whom money would be no compensation; but he wants a recognition from his Government that he has done what seems to be universally admitted to be a good thing for the service. He has invented a system of signals by which, it is said—with how much correctness I certainly do not know—that armies stationed at a distance of from one to fifteen miles may converse with absolute accuracy. If that be so, certainly it is a very great thing for the Army.

All he wants of his Government is some recognition that he has rendered an important service. He asks it, I think, in the mildest form in which the thing can be presented—not in money, not high rank; but being a captain—I suppose an honorary captain, but my colleague will know much better than I—he is assistant surgeon in the Army, and, I understand, he

ranks as captain; and now he wants his Government to give him a recognition, by simply raising him to the rank of major, one degree above his present position. With that he is satisfied. He does not ask anything more than that. He does not come, like most inventors, asking you to pay him so much money for what he has done, but to recognize him in a different way, by simply giving him a rank one degree above that which he has. This does not add, as I understand, another officer to the Army. I do not understand that there is anybody behind him or before him; but he stands in a line by himself, something after the manner of the two majors which my colleague offered to-day for West Point.

Mr. DAVIS. Not at all.

Mr. BROWN. Well, I may not understand it; but of this I am sure, if this invention be that which we are given to understand it is, we get it at a very light rate, by simply elevating the officer from a captaincy to a majority. Now, Mr. President, I think I am a man of ordinary intelligence, and these signals to me are absolute Greek; they are absolute Hebrew; they are worse than Japanese; and no man can explain them in words, in my opinion. The thing has to be seen and taught. Who so proper to teach it as the man who made the discovery? I think none. The Government is not going to seize upon it as a matter of course from the officers who have been detailed to test it. I understand that Lieutenant Alexander, perhaps he is Captain Alexander, of the Army, and others, have been sent out to test these improvements. At all events, they have the indorsement of the Secretary of War, and of an Army board, and of my colleague, the late experienced and learned Secretary of War, as a capital good thing in the Army; and all they are going to cost you is simply the elevation of Dr. Myer from a captaincy to a majority. I think you get a good thing at a very cheap rate. It does not stand in the way of anybody, as I understand it. I understand he is just one by himself, and does not stand in the line of promotion in the way of any one.

Mr. DAVIS. Exactly the argument which my colleague makes, presents the objection. I do not know how he finds out that Dr. Myer is going to be appointed. I have no such relations to the Administration as enable me to tell.

Mr. BROWN. I will explain to my colleague. I take it for granted that if you provide for the appointment of a signal officer, the Administration will, of course, appoint the man who invented or discovered the signals, and who is more learned in

the use of them than anybody else. I, of course, know nothing about it.

Mr. DAVIS. Exactly so. The case comes up on a memorial from a man in Arkansas who thought he had discovered a perfect method of communicating by secret signs between armies, and the consideration of that memorial involved the consideration of the whole subject on a resolution of the Senate. This Dr. Myer had been for some time, I think about three years, engaged, with an officer of engineers and other persons, in making experiments upon a method which he had. It came before the committee in connection with one which was first sent to us by the discoverer, a man in Arkansas. So if we should go by the rule of "first come first served," the man in Arkansas would get it.

Mr. JOHNSON, of Arkansas. I do not think the Senator treats that fairly. I cannot sit here——

Mr. DAVIS. Wait until I get through, and you may say what you please.

Mr. JOHNSON, of Arkansas. I would rather call the Senator's attention to it now.

Mr. DAVIS. Very well; I will give way, if you wish it; but it is my misfortune, being a polite man, to be interrupted every second sentence.

Mr. JOHNSON, of Arkansas. When it is necessary for me to preserve at least the dignity of my State from having everything lugged on its back, I beg the Senator will consider that I am standing up for it everywhere, on all occasions, as I always will do, and always have done, every time it occurred. The case did not come up from Arkansas, as I understand it. I am a member of the committee, and I am sorry that the Senator brings it in. My colleague referred that case to the committee; but this came up independently. I did not urge the case that came from my State, and I submit it to the judgment of the Senator from Mississippi, for I have very great confidence in it.

Mr. DAVIS. My friend from Arkansas will see how very needless and how very improper his interruption was. A memorial was presented here and referred to the Committee on Military Affairs. That memorial was sent to the War Office, and it was reported upon to indicate a great deal of merit. It was from a gentleman in Arkansas. I do not know why that is called lugging Arkansas in. It was the good fortune of Arkansas to have a citizen able to invent such a thing. It is no depreciation of Arkansas to have a citizen able to present a new system of communication by secret signs.

Mr. JOHNSON, of Arkansas. It was not recognized, though.

There was no report from the committee on it.

Mr. DAVIS. Then I leave Arkansas out. I will say, if that will allow me to go on, that a man of an unknown region presented a memorial, which memorial was referred to the Committee on Military Affairs, which memorial was referred to the War Department, and on which we had a report; and in the consideration of that came the question also of the signals discovered by this Dr. Myer; and in the consideration of this whole subject, the Secretary of War, finally, upon an application made by a surgeon of the Army, answered to the committee that he thought it would be better not to attach this officer to any particular corps, (which was the idea of the committee,) but that he should have the rank of a captain, without promotion. It was not designed for any particular individual; and in the consideration which I gave it—I may be permitted to speak for myself. I hope—I thought it an absolute absurdity to create an officer with duties which were to ramify over the whole Army, and not connect him with anybody else, not make him a part of the corps which is the organ for the communication of orders, the Adjutant General's, not a part of the engineer corps, which goes with armies to make reconnoissances. It degenerated, in my view, into nothing better or worse than a mere job to give an office to somebody, and that is the only view which I have been able to take of it.

Nor is it a small reward to create an officer independent of control by anybody else, and give him field grade in the Army. It is a higher reward than has been bestowed for the most brilliant services performed upon the field. Far better that you should give to the officer \$50,000—yes, \$100,000, than to form this nucleus for the creation of a new corps, and they to be selected by the President without any restraint, for him to go footloose over the whole country, and find his favorites wherever they may be, and gather them into this favorite bureau, where they have no duties to perform—absolutely none. If an officer is required to perform such service, the Senator from Oregon has told you you must call on somebody who belongs to a regiment. He has indicated the adjutants of the regiment. Here, then, a man is to be set down in Washington, at the head of a newmade bureau, and the adjutants are to perform all the service in the field. I cannot imagine anything so utterly absurd in itself, and so utterly violative of every military principle.

If it be a secret, such as my colleague describes, incomprehensible to a man of good sense, it is of no value; but, sir, I

esteem it no secret, no mystery. It is easily solved. Lieutenant Alexander appeared to me to be entirely master of it. It was one of the high boasts which was made in relation to it, that all the signals which would be required for communication between armies operating within sight of each other could be communicated in an hour to an intelligent officer.

I think that the Senate surely, if they will look at this matter as a matter of public consideration; if they will divest themselves of the idea, which seems to exist in the minds of some persons. that a particular individual is to have it, and will approach it as a subject connected with military organization and the public good, they cannot allow this innovation upon the usages of the Government from its foundation. I should be opposed to creating any officer at all unless he was attached to some corps. If you want to add a captain to the corps of adjutants general who has special knowledge of any particular branch of the service belonging to the communication of orders, very well. If you want to add to the engineer or the ordnance corps a particular officer, having special knowledge, do that. Why not make Captain Rodman a major of big guns? for this big gun that stands on the avenue has merit of an extraordinary character in it. Why not make him a major for the casting of hollow guns—a thing of far more merit than the mere invention of signals, requiring a much higher order of science, and likely to confer a much more lasting benefit on the Army? Why is it that all other service of a similar kind, performed by officers in their appropriate duty, developing what belongs to their particular branch of their profession, bringing out something which was not known before, and contributing to the efficiency of the Army, finds its only reward in the reputation which they acquire; and that this one, by a system of boring, is to be excepted from the general rule, and, with eye directed to a particular individual, an office is to be created for his particular benefit? If this great outrage is perpetrated on all military usage and propriety, I trust the President will disappoint those who thus effect it, by appointing somebody else-anybody else. not refer to the Arkansas man. My friend will not allow me.

Mr. JOHNSON, of Arkansas. I think that the Senator from Mississippi certainly suffered himself, on account of my interruption, in which I gave no offense, to go into a vein—

Mr. DAVIS. The Senator from Arkansas will allow me to say that it is true that, ruffled by interruption, and anxious to go on, and not knowing what the reference to Arkansas had to do with the point I was making, I may have answered in the way

he describes; but certainly without any purpose to be insulting or discourteous.

Mr. JOHNSON, of Arkansas. Then, I have nothing more to say on that point; and now I will state the reason why I did not like the connection, and I suppose that, if the Senator would let me suggest, he would at once appreciate it. Like the Senator from Mississippi. I am always ready to correct anything in my manner which may be exceptionable. In regard to this matter, I have cared but a very little about it; though I know there is a great deal of feeling in reference to it outside of this body, and I do not know how much of that feeling has been brought into this body. The Senator from Mississippi, the chairman of the Committee on Military Affairs, we all know, has pursued his course consistently, without reference to whether it was gratifying or whether it was painful to other parties. I have paid especial deference to his opinion on military matters, wherever he has expressed it; and it has been rarely indeed that I have ever differed with him on such questions. When this subject was before the Committee on Military Affairs, he will pardon me if I call his attention to the fact, that I did not hear him speak in the language he has now used with regard to it. If I had had the benefit of that, I should, perhaps, have thought differently from what I did think. If I recollect correctly, the committee felt disposed to agree to this proposition, and authorized its report.

Mr. DAVIS. Oh, no, sir.

Mr. JOHNSON, of Arkansas. Then I would ask what support the Senator from Oregon had in bringing it forward?

Mr. DAVIS. I will state to the Senator from Arkansas that the Committee on Military Affairs, and myself, as much as any other member of it, did value this system of signals, and did think it desirable to have it introduced into the Army. I desire now to introduce the method. I was willing to provide for the introduction of this system of signals into the adjutant general's corps, or into the engineer corps, but never to provide for the creation of a new bureau, with an officer at the head of it with the rank of major.

Mr. JOHNSON, of Arkansas. I am very certain that there was a judgment given in committee in behalf of this improvement over that which came from citizens of my State—a State that I may now say here, in the annals of the execution of the laws of the United States for the benefit of the western States, has been the most rigidly and uniformly honest that I know of, and that in connection with what has been made a general reproach to the new States—the public land system,

Mr. GREEN. It is very special.

Mr. JOHNSON, of Arkansas. Very well.

Mr. GREEN. It is special if the Senator will allow it, not otherwise. It is, that we adjourn.

Mr. JOHNSON, of Arkansas. Well, sir, I think it is hardly kind in the Senator from Missouri—

Mr. GREEN. I would not ask it without the Senator's consent.

Mr. JOHNSON, of Arkansas. I do not do these things to the Senator or others. I think it is not kind of the Senator from Missouri, and I can searcely appreciate it. I do not like this kind of interruptions. They are not respectful.

Mr. GREEN. It was respectful, I beg the Senator to under-

stand.

Mr. JOHNSON, of Arkansas. It may be good-humored; but there may be a tone of disrespect in the good humor with which you intrude on a man. The Senator from Missouri is certainly one of the most sensitive men to be found in this body about that very thing. I have seen it over and over again, and I have never intruded on him or suffered myself to interrupt him at all in any such way.

Mr. DAVIS. My friend from Arkansas will allow me. I shall merely correct what I now perceive and I did not before comprehend, that he considered there was a reflection upon Arkansas, because of the character of the invention sent here from that State. I did not mean that; and that I did not mean it is most apparent from the fact that I do not now feel it. It was a different system of communication; it was a system of cipher, instead of signals. It had high merit. It was so recognized at the Adjutant General's office. I meant no reflection either on the individual citizen of Arkansas or the State.

Mr. JOHNSON, of Arkansas. I did not so understand the Senator.

Mr. DAVIS. Any such inference would be very unjust, because the thing had merit in it, and the individual displayed talent.

Mr. JOHNSON, of Arkansas. I think so; and I presume that the humblest man from that State, if he will present an honest record and a sound and unstained escutcheon, will be regarded as good as a man who comes from any other State. I am tired of flings at my State, and I have never submitted to them with patience. In this case I recognized that the Senator from Mississippi did not intend anything of the kind, and I am glad to recognize it.

Mr. WILSON. Mr. President--

Mr. GREEN. If the Senator from Massachusetts will yield the floor, I will move to adjourn now.

Several Senators. Let us vote.

Mr. GREEN. We cannot vote; because I know several Senators want to make remarks on this question.

Mr. WILSON. If it is the wish of the Senate to take the vote to-night, certainly I am ready to stay here and do so. If they wish to adjourn, I am ready to adjourn; but, if we are to stay, I want to say a word or two in regard to this matter.

Mr. GREEN. There are several others who wish to say something; and therefore I move that the Senate adjourn.

The motion was agreed to; there being, on a division—ayes 22, noes 17.

And the Senate adjourned.

Jefferson Davis to James Buchanan. (From Pennsylvania Historical Society.)

Washington 2d June 1860.

To the President of the United States Sir

Understanding that there is a vacancy in the Light House Board which the law establishing that Board "Authorizes and requires the President of the United States to fill by the appointment of an Officer of the Corps of Engineers," I beg leave to call your attention to the propriety and fitness of filling the vacancy by the reappointment of General Totten Chief of the Corps of Engineers. Should the public interest prevent his appointment, I beg leave to recommend the appointment of Captain M. C. Meigs, who having been relieved from the onerous duties attending the charge of the Capitol extension and Post Office Building nearly finished, has now merely the Completion of the Aqueduct which requires his presence in this City, will be able to attend, without any expense to the Treasury the quarterly meetings of the Light House Board.

Of his peculiar qualifications for usefulness to the Country

in such a position, I need not express an opinion it is already well known to you

I have the honor to be with great respect

JEFFN: Davis.

W. H. Winder to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Philadelphia 7 June 1860

Dear Sir.

As appropriate to the present moment I enclose you an article from the English Saturday Evening Review, which takes a rather just view of the Sumner's theorizings. I was much gratified that Sumner was not interrupted & will not be noticed on account of his late speech. It gives much annoyance to his party in this region & is damaging. If no southern lightning Rod shall divert indignation from his speech, it will prove a dangerous ally of the Republicans & is heartily condemned.

I hope Kansas will be admitted. Its vote will not affect the result, & a graceful admission may even secure it to the Democracy. The Douglas meeting here was simply & purely an anti-Lecompton Forney meeting, consisting largely of Republicans. I have no doubt that physical intimidation of weak delegates will be boldly & freely attempted at Baltimore, & that collision is by no means improbable. The outside pressure will beset & surround delegates every moment of recess & every species of intimidation & promise used, first to exclude southern delegates & next to get a majority nomination & adjourn & go before the country on it.

Lincoln says—you have no right to take slaves to the territory—but if you have a right, you have a right to protection. Douglas says—squatters have a right to drive out slaves; that having a right to go there with slaves, but no right to protection. What choice is there between the two? Lincoln is consistent & logical. Douglas the reverse. Convince Lincoln you have a right to go with slaves & he will give you protection—

Convince Douglas you have a right to go to the Territories with slaves, & he will yet drive you out Under authority of unfriendly Legislation by squatter sovereignty—

I am most respectfully & most truly yours W. H. WINDER

Hon. Jeff. Davis
[Indorsed: W. H. Winder],

Remarks of Jefferson Davis on the Army appropriation bill. June 7, 1860.

Mr. DAVIS. If the Senator from Massachusetts will give way for a moment, I will say that he is in error as to the proceedings. The letter which he had read, in the first place, was not before the committee. The one to which he refers, the answer of the Secretary of War, as to such provision as Congress might make, is not the final answer; the committee afterwards put to the Secretary of War distinctly the question, what was to be the rank of this new officer—whether he was to be attached to any corps or department; and here is his answer.

The Secretary read, as follows:

WAR DEPARTMENT, WASHINGTON, March, 1860.

Sir: In reply to your inquiry of the 6th instant, as to my views on the subject of the rank, position, and command, of a "signal officer," I have the honor to say, that in my opinion the rank, pay, and emoluments of a captain in the staff would be proper and sufficient; that the signal officer need not be attached to any department or corps, but should be under the direction of the War Department, and governed by such regulations as may from time to time be found expedient; and that his right to command be restricted to the soldiers who may be detailed to aid him in his appropriate duties. He should not be considered in the line of promotion.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD, Secretary of War.

Hon. Jefferson Davis, Chairman Committee on Military Affairs, United States Senate.

Mr. WILSON. I was aware that letter existed; but in the packages of the committee I could not find it. If I had found it, I should have quoted it among the other letters. I, however, see nothing inconsistent between the two letters of the Secretary. He recommends the introduction into the Army of these signals; recommends the appointment of a certain officer to be attached to his staff, under the direction and control of the Secretary of War. This provision of the act received the unanimous sanction of the Committee on Military Affairs in the House of Representatives; and it received the sanction also of the House. It is, I think, the most practical mode to introduce this system

of signals into the Army. It is not proposed to create a department, but to appoint a staff officer, to act under the direction of the War Office, or to act under such regulations as the Secretary of War shall establish. Without consuming further the time of the Senate, I will close, with the expression of the hope that the vote will not be reconsidered, and that this section will remain as it came from the House.

The PRESIDING OFFICER, (Mr. Bright.) The question is on the reconsideration.

Mr. CRITTENDEN. The amendment was agreed to; and now, I understand, a motion is made to reconsider. I hope it will not be reconsidered.

Mr. KING. I desire to understand the question. The amendment made by the Committee of the Whole, I understand, was disagreed to by the Senate; so that the bill stands as it came from the House.

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. CRITTENDEN. I was informed that the amendment had been stricken out in committee.

Mr. WILSON. I will explain to the Senator from Kentucky. In Committee of the Whole this clause was stricken out; but in the Senate it was restored, and now a motion is made to reconsider the latter action.

Mr. CRITTENDEN. I wish to say a word, and it shall be but a word, on this subject. I believe it is designed by this provision, if the Congress of the United States shall authorize it, to give the young officer who has brought this system to such perfection that it will be useful in the Army, a position which will enable him to introduce and familiarize the use of it to the Army. It seems to me to be so appropriate a reward for such service, that I hope the Senate will promote it, as far as it can, by adhering to the amendment. The difference is between making this staff officer a captain and giving him the rank of major. It is a very small difference. He is already about the rank of a captain. I believe; but he has no promotion, and therefore we may give him an advanced rank, because he is to go no higher. As a staff officer, he gives up all the rights of promotion, which, as an officer, he may now have. I think it is but an adequate reward to the officer who has brought this system more particularly into the view of the public, and is best prepared to continue it. He has, by his experiments, brought it to a condition in which the Secretary of War thinks it may be very useful to the country. Now, is it not most appropriate that he should be the very man who shall carry its use into the Army—he who already perfectly understands it? I think so. I hope that we shall not reconsider the decision of the Senate.

Mr. DAVIS. I think the Senate have heard probably as much of this matter as the importance of the case justifies, and perhaps more than they desired; but I wish to call attention to a fact which seemed not to be understood when I was up before; or my representation of it was not very well expressed. It is the fact that the question arose on a reference by a resolution of the Senate directing the committee to inquire into the expediency and propriety of securing a right to use in the Army a system of cipher. That system of cipher was referred to the War Department, who made a report commendatory of the system, and called attention to the invention of Dr. Myer before the committee. Before any report was made on it, the House acted on the subject, and put in this bill a provision to make a signal officer, and give him the rank, pay, and allowances of a major of cavalry. It is so extraordinary a reward to give an officer of the Army for improving on the appliances of his profession, that I hope it will not be seriously entertained by the Senate. If we are to enlarge the staff, already disproportionate to the size of our Army, by creating a new staff officer for every improvement made in the means necessary for military purposes, it can have no limits. It is a character of reward to my mind wholly inappropriate. The public necessities should govern the organization of the Army; whereas here it is made a question of what reward we shall give to individuals. We have had improvements in pack saddles, in ponton bridges; and what have we not had improvements in, which enters into military service? Will you go on multiplying your staff departments, adding one after another to the number of staff officers of the Army, and giving them extraordinary rank? If a man happens to be in a department of the staff, so as to have an assimilated grade of captain, will you, as a reward for some useful improvement. make him a major of the Army after five or six years of service? I think no one can seriously entertain the proposition without seeing at once that it leads to such abuses as to break the Army down beneath a crushing staff. I know of no military man whose opinion I would consider worth anything—and I have not consulted any other, and therefore I say I know of no military man -who does not look on this as anomalous in the military service, and improper. If this Doctor had been an educated soldier, trained to the usages of the Army, he would never have thought of such a reward. It was because he came from a learned profession, and was ingrafted as a portion of the staff which is attached to the Army, and knew nothing of the rules of promotion, or the character of rewards that follow military service—for that reason only could be ever have imagined that a man, for making a system of signals, improving upon a military means as old as the art of war, should be converted at once into a major of cavalry.

The subject, however, is technical, and I should weary the Senate if I went into it. The chairman of the Committee on Naval Affairs, in which service signals are far more important. has presented to you its relation to the Navy. It is quite clear that if you are to go into such systems of rewards as this, the person whose discovery first brought the subject before the Senate, being the one of writing in secret cipher, who has presented to you something which may be as essential in war as the other, should have some reward too. To communicate by cipher may be more valuable than to communicate by signals. It is at least more frequently used; and over a widely-extended country, and to a dispersed Army like ours, it is more apt to be profitable than the other. Why not, then, add another major for a means of communicating in eigher? for that was the subject which first came before the Senate; and so go on multiplying the majors of cavalry by giving every man who discovers some new improvement a rank acquired ordinarily in service by many years and by high merit. If it is to be done, however; if the Senate believe it proper to do it at all, then I think we should proceed by an inquiry like this: after appropriating money for the purchase of signals, say:

And that the President be requested to assemble a board of

I supposed here it would be as well to designate them, and I have done so—

consisting of the Quartermaster General, the Chief of Engineers, the Chief of Ordnance, and the Adjutant General of the Army, to consider and report, for the information of the Senate at its present session, whether any corps, or officer, or officers, should be added to the staff of the Army, for the use of signals in the field; and if the board shall be of that opinion, to recommend a suitable provision and plan for that purpose.

It is an extraordinary departure from the past usage of the Government to go into a question of organization without the

report of a committee, without any investigation, without any information gathered by any person whatever from the source from which we should usually rely for military information. Some investigation, some report, or plan, or proposition; something that looks to the future, which is not bound up in the simple question of providing a single office with a hope that it may be filled by a particular individual—something more than that, I say, has always entered into such an inquiry heretofore.

Mr. DAVIS. There is a corps of Quartermasters, one of commissaries, and one of adjutants general, some of whom have

the rank of captain.

Mr. LANE. I speak only of quartermasters and commissaries. Mr. DAVIS. There are also of what is sometimes called the staff, two corps of engineers, and one of ordnance, running down to brevet second lieutenants.

Mr. LANE. Those are full corps, of colonels, majors, captains, lieutenants, and second lieutenants. We shall not differ about that. All quartermasters and all commissaries, as the Senator knows, have the rank of major; otherwise they are assistants.

Mr. DAVIS. All surgeons rank with majors; but assistant surgeons have a lower rank.

Mr. LANE. This gentleman has a rank of captain, and we want to raise him to that of major. The Senator, however, and myself will not differ about the matter of Army organization.

Mr. DAVIS. In order that there may be no disagreement or misapprehension, I will state that the quartermaster's department consists of a brigadier general, two colonels, two lieutenant colonels, four majors, and a long list of captains.

Mr. LANE. The latter are assistants.

Mr. DAVIS. The medical department consists of one Surgeon General of the rank of colonel, a list of surgeons with the rank of major, and a list of assistant surgeons with the rank of captain, and another list of assistant surgeons with the rank of first lieutenant.

Mr. DAVIS. I wish this subject had been presented as a separate measure, in order that it might have been considered with the patience and gravity which I consider it merits. I should have been glad to have had it examined in all its relations, and with that fullness of information which could only have resulted from previous inquiry, and the patient consideration of it which present circumstances do not permit. It may be that I magnify its importance. It is the institution in which I was educated, and for which, therefore, I feel a special regard.

Its graduates have been the associates of my early manhood, and they have been followed by me in after time. It therefore bears to me a near relation. I do not come to it like a false mother, ready to accept the judgment that divides the child, but with tender care to preserve it, even if I lose by it myself.

The method which has been resorted to, to produce this change, is disreputable to the Academy and to Congress. Correspondence has been instituted with the cadets and with the professors, to generate a public opinion here. I have a letter from a cadet advising me of the information sent up to the corps to instigate them to write to all their acquaintance in the two Houses of Congress to produce this change.

Mr. FESSENDEN. I suppose the Senator does not mean to charge any such thing upon me.

Mr. DAVIS. I have no knowledge whether you had any correspondence or not.

Mr. FESSENDEN. I know the Senator can have no knowledge.

Mr. DAVIS. Certainly not.

Mr. FESSENDEN. But I ask, does the Senator mean to charge that upon me individually, because I have taken part in this matter?

Mr. DAVIS. I know nothing about it. He produces a letter, and of course I cannot know who that letter is from. My acquaintance with the writer's views, however, is so intimate that I know perfectly well the language.

Mr. FESSENDEN. Very well; you know the language of that letter; but the idea is that correspondence has been excited by letters received from here.

Mr. DAVIS. That idea I maintain by a letter I have received. Mr. FESSENDEN. I ask the Senator whether he means me?

Mr. DAVIS. I say I do not know whether you wrote or not.

Mr. FESSENDEN. That does not seem to be answering whether the charge was upon me or not.

Mr. DAVIS. Do you mean that I shall except you from the persons whom I have indicated in regard to these letters? I say, no; I do not except you. I do not know anything about it.

Mr. FESSENDEN. If the Senator does not mean to charge it upon me, I have nothing to say. I have only to say I never wrote a letter on the subject in my life. I had nothing to do with it in any shape or form.

Mr. DAVIS. That answers for yourself, which I could not do. I made no charge against the Senator; but I cannot except him, because I have not the information.

Mr. FESSENDEN. If the Senator does not make the charge, I have nothing to say.

Mr. DAVIS. I am not to be drawn off from my train of argu-

ment by questions of a personal character.

Mr. FESSENDEN. The Senator must know that I have no desire to do that. I have too much respect for the Senator's power of debate to try to draw him off the line of his argument. Nobody can draw me off my line when I want to pursue it.

Mr. DAVIS. I will pursue it in my own way.

I was going on to state that cadets had been instigated, as I have the proof here in a letter from a cadet, to write to their friends in Congress to produce a change in the course of studies. Now, nearly every member and Senator will have some friend or acquaintance at the Academy, somebody he is anxious to oblige; and it would be a rare boy indeed, and I look upon this as a very rare and very honorable exception of a boy at school, who is willing to protract his term of study to the longest period. The rule would be, they would want to shorten the academic term. If they have access therefore to the members of Congress, and may successfully appeal to them to shorten their course for their individual benefit, we all must know that the result would be to give the boys the control of the Academy, and, without a view to the public interest, without attention being paid to the future requirements of the service, without consideration for those principles which should govern it, to yield to the suggestions of the boys, and finally to subvert the institution.

On the other hand, what is the condition of the professors? For more than twenty years they have been recommending a change. Before a single class had graduated on the full course, the proposition was made to change. It may have given them additional labor; it may have entered into some private quarrels, as has been repeated in various quarters here. But whether one or the other, I say it was unbecoming in the board, which had for twenty years sought a change, to ask that they should go back to the old standard before that new measure had been

fairly tried.

Now, sir, as to the honorable and distinguished gentleman, who, I suppose, wrote that letter to the Senator, and for whom it is impossible I should feel otherwise than kindly, and of whom I cannot speak otherwise than with respect, he has led the Senator into an error, by his mode of writing, and by his little comprehension of how small the attention is that we pay to the subject. He infers from the letter that there is but one member of the academic staff who is not in favor of reducing the term to four

years outright. Now, if he will write back to that officer, he will tell him that the objection is to the present five years' programme; that the professor who stands next to the writer of that letter in rank is in favor of continuing the five years' course, but with a programme different from that which they have now at the Academy.

Mr. FESSENDEN. If the Senator will excuse me, that cannot be the understanding; because the writer of that letter says distinctly that, if they could do it, they would be glad to reduce it to three years. The objection is the length of time they are scheduled there; not to the course, but to the time.

Mr. DAVIS. I was going on to that. They do not wish to retain them five years in the condition of cadets in the ranks. They do not wish to reduce the corps. Some of them are in favor of raising the standard of admission, as the Senator's correspondent is. Some of them are in favor of requiring the applicants to come to the Academy prepared to enter a higher class. Some of them believe that they could learn the whole course of mathematics elsewhere, and come there to make the application and learn the military art. It is an opinion which is not new, and which is not confined to the correspondent of the Senator.

It is as old as the time when an examination into the organization and discipline of the Academy, and a report was made by General Bernard and Major McRee. These subjects are none of them new. The necessity for an increase of time, as connected with the present standard of the Academy, has arisen as well from the expansion of science as the introduction of new subjects of study; and to sustain my position I intend to appeal to a high authority which has been cited, Colonel Thayer. I will show, from Colonel Thayer, that you must require an extension of the course, or a reduction of the studies. When the subject was last before the Senate, the Senator from Maine very kindly responded to an objection which I made, and withdrew an amendment which he had offered. The reason then was, that a board had been instituted to inquire into the studies and discipline of the Academy. Upon the report of that board, I supposed, would depend the length of the term of study, or residence of the cadets at the Point. When that board assembled, they proceeded in their examination of the subject to a certain extent, when they were stopped by an order from the Secretary of War to discontinue it, because, as I have heard, of the action of the House of Representatives upon the subject. They were arrested in full progress, just as they were reaching results;

which results, according to my information, were contrary to the anticipations of some of the board, and contrary to the impression which the Senator has received. These results were, that the course of study, as it existed, could not be reduced without eliminating subjects essential for an officer of the Army; and that, without a reduction of the course, there could not be a reduction of the term. As far as the board proceeded, they have sent the information to the engineer bureau; and it may, for all I know, be in the hands of the Secretary of War. The statement made to me by some of the members was very emphatic: you must raise the standard of admission, reduce the course, or maintain the present term of study. I am sorry the board did not go so far as to make an official report of their results. The objection, therefore, which previously existed, from the fact that a commission had been instituted and was progressing in its examination, does not exist now, because the board has been dissolved: but it equally exists because that board was dissolved on account of the action of the House of Representatives, not because the question was concluded; not because the examination was finished.

I now come to the other point which was made in relation to what has already been transacted. It is the statement of two Senators, that the War Department had changed the course first from four to five years, and then from five to four. My information was, at that time, that the Secretary of War had never changed the course; that he had intended to do it, but stopped before the act was completed, and insisted upon the preservation of the five years' course. I have in my hand a letter from the engineer department, written to the superintendent of the Academy, informing him that the Secretary had had his attention drawn to the subject, and requiring the academic staff to examine into the question of reducing the course to four years; another letter from the chief clerk; and that is the letter on which the order read by the Senator from Maine was founded. In that letter the chief clerk says:

"The Secretary of War has approved the recommendation of the academic board to change the term of studies from five to four years. He has also approved the proposed programme of studies with the modifications indicated."

Then, it appears, the superintendent issued the order; and the Secretary of War—not at a date so late as to have induced a cadet to come here believing himself to be an officer of the Army,

but in March, a long time before the examination occurred—the Secretary of War wrote the following, to which no reference has been made by either of the Senators who have spoken on the subject; and this is the only letter which is conclusive, which bears the signature of the Secretary, unconditionally and finally acting upon the subject. I propose to read that—the particular one which they have not read:

WAR DEPARTMENT, March 31, 1859.

Sir: The consideration which is due to the opinions of the many persons who have interested themselves in the subject, has induced me to reconsider the question of the period of studies at the Military Academy; and in view of the fact, that an increase of the term from four to five years has, through a long series of years, been constantly recommended by various individuals and boards, both from civil life and from the military service; that the change was finally made at considerable trouble, and has not yet had a trial sufficient to determine fully its advantages or defects; and that it is far easier, if full experience shall demand it, to shorten the course than increase it, I have determined not to disturb the five years' term, and all orders that have been given to the contrary will be revoked.

Yours, &c., &c., &c.,

J. B. FLOYD.

The course, therefore, has authoritatively remained at five years from the time it was so fixed. Now we come to the question of whether it is necessary to continue it at five years, or whether it may be reduced to four; and with a view to abridge the argument as much as possible, I shall proceed directly to the highest authority on which the Senator from Maine and his corespondent relied, that of Colonel Thayer, whom, complimentarily, he has justly stated was the founder of the present organization of the Academy, and was frequently called the father of the institution. Colonel Thayer, after mature consideration of the whole subject, it having been for some time before him, in 1824, wrote as follows to General Macomb, the Inspector:

"MILITARY ACADEMY, WEST POINT, "January 28, 1824.

"Sir: I have the honor to acknowledge the receipt of your communication of the 23d instant, informing me that you had laid before the Secretary of War my plan for a more complete organization of the Military Academy, and that it met with his approbation, except in one or two unimportant particulars.

"You mention that it is proposed to add to the academic staff

two professors of the Spanish language. The introduction of that language at the present time appears to me to be inexpedient. The present course of studies is as great as can possibly be accomplished in the time allotted to it. If, therefore, any other study be introduced, it would be necessary either to extend the time, which, I presume, is not contemplated, or to exclude some portion of what is now taught. But from what branch, or branches, shall the retrenchment be made? It will doubtless be admitted that any branch of the present course is of essential importance to the scientific officer; and I believe it can be clearly demonstrated that no one of these branches is carried too far, or beyond the limits of practical utility; moreover, the several parts of the course are so connected with and adapted to each other, that no one can be retrenched or lessened in any degree without injury to all the rest."

Then he goes on to recommend some horses for cavalry and artillery practice. Since the time when Colonel Thaver wrote that letter there has been a great expansion in all the departments of science, and the particular language which he said could not be taught without an increase of the term of studies has been introduced into the Academy; and I know of no one. military man or civilian, who says that language should not be taught to officers of the Army. It is more important even than French, so far as the use of it is concerned in the Army. It has been introduced, and is now taught at the Academy, so as to meet the wants of our coterminous relations with the Hispano-Americans, and it cannot be eliminated without serious injury to the service. How, then, is Colonel Thayer's authority to stand? If it is to be relied upon as conclusive, it is so in favor of the increase of the term over the four years, because the additional study has been introduced which he said involved the increase of the term.

As to all that has been said about the hurtful change from four to five years, it is to be construed in connection with the fact that they have continued to keep the cadets in the fifth year under the same state of discipline as those in the first and second years; but if that last year was made, what special schools are in other services, a year of application, so that the cadet would be relieved from the tedium of the discipline of the Academy, the objection which has therefore been made would be removed. The only objection, then, which would remain, would be the increased difficulty of maintaining discipline in the Academy; and that is the only one which he, whom I presume to be the writer of the letter read by the Senator, made to

me, both in conversation and in writing. That it would entail additional difficulty on the instructors, may be true; but they are put there for the purpose of administering the Academy so as to make it most effective to the military service; and whosoever are unwilling to encounter that additional labor, should be changed, and others substituted in their place.

Now, Mr. President, having answered to the points which were made rather personal than general. I proceed to examine the question in its relations to our power of legislation. What have we to do with the length of time that the cadets remain at the Academy? Is it a proper subject of legislation? They are warrant officers of the Army. Can Congress any more by act prescribe the length of time these warrant officers shall remain at West Point than they can the time lieutenants shall remain stationed at Fort Yuma? Will they attempt, by general regulation, to declare that all warrant officers shall remain four years at the Academy? They may as well do that as to declare that they shall not remain more than four years at the Academy. Will they say, that to make an officer of infantry, or of cavalry, whatever may be his scientific acquirements when he enters the Academy, he must remain four years in it? This Procrustean bed might very well simplify the discipline of the Academy, but it would be as untrue to the interests of the service as it is to the present condition of the laws of the country.

When the Academy was instituted, Mr. Jefferson, following the plan of the great institution of France, the Polytechnique, intended it as a school of engineers; and under the act of 1802 the provision was, that the corps of engineers "shall be stationed at West Point, in the State of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of said corps, shall be subject at all times to do duty in such place, and on such service, as the President of the United States shall direct." Even when it was intended that the Military Academy should be nothing but a corps of engineers, still they were subject to do duty in such place and service as the President might direct; but as the Academy increased in size and usefulness, legislation changed to correspond with it; and in 1812 we find it enacted:

"The cadets heretofore appointed into the service of the United States, whether of artillery, cavalry, riflemen, or infantry, or that may in future be appointed, as hereinafter provided, may be attached, at the discretion of the President of the United States, as students to the Military Academy, and be subject to the established regulations thereof."

These cadets, then, were to be attached, at the discretion of the President, to the Military Academy, and the length of term they were to remain was clearly, in the contemplation of Congress, to be according to the corps in which they were to serve. The whole discretion, by existing legislation, is left in the hands of the President. To what place would you transfer it? Shall Congress say how long a warrant officer shall remain under instruction before he may perform the duties of a commissioned officer? Is that one of the details in the government of the Army which Congress can properly undertake to execute? Will Congress say, that in no exigency of war, under no necessity of the military service, the President shall call a cadet from the Military Academy to do duty in the field; to serve as a supernumerary officer with a company; to act as a sub-lieutenant, with the warrant of cadet? Surely Congress will not undertake thus to interfere with the constitutional prerogative of the President of the United States, the Commander-in-Chief of the Army.

If, then, it may not do this any more in relation to a warrant than a commissioned officer, and if all past legislation indicates that this has never been the purpose of Congress, why, I ask, in this summary manner do you propose now to introduce an amendment in the Army appropriation bill, which assumes the power of controlling the discipline, organization, and length of studies to be pursued at the Military Academy? Without a preliminary examination; without any one here being prepared to answer to such inquiries as any commission properly constituted would put to a witness who should be brought before them, how is it possible that we should legislate wisely, or how is it possible that our action should not be hurtful? But, if Congress take another view of it; if it is resolved that we will legislate upon the subject, which it seems to me improper that we should thus touch, then I proceed to consider it upon its merits: and here I must redeem the pledge I have made, and show, upon the authority of a letter from a cadet, that this inducement has been held out to the corps of cadets to correspond with the members of Congress. I shall not give the name of the cadet, though he has not forbidden it; neither of the only person whom he does name in the letter:

> UNITED STATES MILITARY ACADEMY, WEST POINT, NEW YORK, November 20, 1859.

Dear Sir: I have recently seen a letter from one Mr. —, member of Congress from —, containing a plan, to be adopted

the ensuing session, for effecting a change of course at this institution.

I may say here that the writer is mistaken; the person he names is not now a member of Congress.

It is briefly as follows: when the general appropriation bill for the Academy is introduced, an amendment is to be appended thereto reducing and fixing the term of studies to four years. In order to get the requisite support to this movement in the House, each cadet interested is to write to his Congressman, and have his friends do the same, urging its utility and propriety.

Mr. — says: "As a matter of course, General Davis will be opposed to this; and, as he is regarded as very high authority by the Senate in military matters, his influence will cause its rejection; but, then," he adds, "if the House stands firm, the Senate must yield, or be responsible for withholding the appropriation altogether."

See how perfectly he describes the programme of action recently attempted:

He writes as though the whole thing were fixed, and no doubts remained as to carrying out the programme. It will receive the hearty support of the corps, with the exception of the first class. Class meetings have already been held to adopt means and secure unanimity of cooperation.

Hoping this subject may receive your attention, and that the information given above may be of service to you in preventing ill-advised and not entirely disinterested tampering with the present admirable system of our *truly national* military institution. I am, with high regard.

Yours, very respectfully,

Cadet United States Military Academy.

P.S.—I should have stated that Mr. —— has a son in the fourth class.

Hon. JEFFERSON DAVIS, United States Senate.

I have another very honorable exception to the course that has been pursued in relation to this matter. It is from the father of a cadet, a gentleman who is not known to me, except from his letter. He writes to me from Burlington, Vermont:

BURLINGTON, VERMONT, May 4, 1860.

DEAR SIR: You will pardon this letter from a stranger. I write you because I believe you to be more familiar with the

subject to which I desire to call your attention than any other member of the Senate. Otherwise, I should have addressed the Senators from this State.

I have a son at the Military Academy at West Point, who entered in June, 1857, from the third district of New Hampshire,

my residence at that time being at Lebanon, in that State.

When he entered the Academy, the course was fixed, under your own administration of the War Department, at five years. Your successor, the present Secretary, changed it to four years, and so far carried his change into effect as to prepare two classes to graduate in 1858. But, a very short time before the end of the academic year, he countermanded the order and retained the five year course.

Now, I observe that the House has amended the West Point bill, so as to adopt a four years' course. In case this amendment is agreed to by the Senate, and all the present classes come under its operation, the present second and third classes will be deprived of one year, or have the studies of two years crowded into one, and lose many advantages they are now entitled to.

Would it not be well, if the change is made, that the present classes, especially the second and third classes, be exempt from the operation of the law, and allowed to complete their five years' course? I am well aware that many of the cadets of these classes desire to graduate as soon as possible; but my judgment is, that young gentlemen do not always know, or at least desire to practice, what may be for their greatest advantage in future.

The interest I feel in the subject is my apology for addressing

you.

I am, with great respect, your obedient servant,

Hon. Jefferson Davis, United States Senate, &c.

Let these stand against the importunities of such as seek to escape from patient toil by lowering the standard of academic acquirement.

When the subject was before the committee of conference, I received two letters from members of the commission which had been instituted to examine into the programme of studies. They both state emphatically that we have to choose between raising the standard of admission and the reduction of the course, which can only be done by abandoning studies which they deem essential, or continuing the course at the present duration, five years.

But an impression has gone abroad that this course of five years was one which I had introduced when Secretary of War; and, coupled with this, no doubt some persons have believed there was a certain pride of opinion on my part connected with It. I wish to divest the mind of any one of that impression, so that whatever I say may at least be free from the reduction to which it would be subject to from such relation.

When I was in the War Department, the subject was presented to me, as one for which legislation was desired, by the Chief of Engineers, the inspector of the Academy. It was presented as a recommendation which had come from various boards of visitors. and from various academic boards, but for which they had never been able to obtain the attention of Congress. My first impression when it was presented was, that no legislation was necessary; but only decided that I would take it into consideration, and if legislation was necessary, would recommend it to Congress; if not necessary, would follow the recommendation which had been made for so many years, both from the boards of visitors and the academic board. The consequence was, that, having satisfied myself that the matter was one of an administrative character; that it belonged to the executive branch of the Government, the academic term was entirely increased to five years. The programme of studies was not acceptable when it was laid before me; and I sent it back to the academic board, with a statement of my objections. They insisted on the programme: and in deference to their greater knowledge, and also to the fact that they had to execute it, whatever it was, I surrendered my own objections; and, as it stands, it is their own work, the result of twenty years' application on their part, and a programme adopted exclusively by themselves. If there be merit in it, it is not mine: I did not either originate it, or perfect it. I am not entitled to any commendation if it be good, nor justly amenable if fault be in it.

This being the case, I approach it as free from any personal connection as any one who hears me—with the interest admitted in the beginning of my remarks; an interest which, created in my boyhood, has been maintained by association since. It is, I trust, however, not separate from, but intimately identified with, the interest of the public service.

Near the close of the last century, when the revolutionary spirit took possession of France, all which genius by the unflagging toil of centuries had produced of refinement, of civilization, of high scientific and literary culture, rose but in proportion to their height to offend the mob which then held the reins of government; and in the spirit of abasement, all that was lofty and cultivated was leveled to the earth. The department schools were crushed by Talleyrand, anticipating that he was to substitute for them a better system, and supposing he was thus to

liberate those schools from their connection with the clergy. They destroyed the schools, which the clergy and nobility had built up: but they substituted nothing in their place. Generals of experience, highly cultivated officers, had to give place to the sans culottes. Their armies were beaten on the frontier. that state of the ease, that great Secretary of War, Carnot, whose name remains equally identified with education and with the military movements of the French Army, commenced, from the wrecks of defeat, to create the system on which he built the future grandeur of the military establishment of France. The shock of defeat enabled him to recall to the service officers who were worthy to lead armies and were able to comprehend military necessities. With the first successes which followed the change in the administration of their frontier army, confidence attached to their Secretary of War, he called around him the master spirits in mathematics and military science, and this offspring of the necessity which a bitter experience had demonstrated was ushered in the school which has been the foundation of the military science and achievements of France. It was upon the wreck which the destructive spirit of revolutionary anarchy had made, and by the sad lesson which its confusion taught, that the Polytechnique school arose. Have we reached that spirit of anarchy in our own country? Shall it now drag down an institution which has recommended itself by useful contributions in peace, and by honorable fruits reaped on many a bloody battle field? Are we rashly to insert the hand of legislative innovation into matters which belong to executive administration; which should be evolved from the close deliberations of specially informed commissions and academic boards? to decide upon what the expansion of science demands? Are we to fix the standard of admission, and the standard of graduation, of cadets? If so, sir, it is the beginning of the end of an institution which has thus far brought nothing but blessings to the country. Whenever the Congress of the United States, by any considerations—I care not how worthy—shall assume, by an amendment upon an appropriation bill, without a previous examination, without bringing before them witnesses, to upheave these mere matters of military administration, and thus to usurp so important and necessarily an executive function as this, we had better consider that the time has come when new institutions are to be constructed. Better abandon the military school than subvert the fundamental principles of military administration on which it has so long rested; if governed by the special legislation of Congress made to conform to the wishes of the pupils,

the institution would become unable to achieve the ends for which it was established.

Through every recommendation which has been made by any of the scientific military men who have touched the subject, you find that their minds constantly revert to the plan of a school of application. We know that Congress will not make these double appropriations. We know that, even at a time when there was no party or sectional rivalry in the two Houses, when Mr. Calhoun was Secretary of War, though the ablest military men in the country pointed out the necessity for schools of application, and he recommended legislation for the purpose, no bill was ever reported in either of the two Houses of Congress to effect it. What can we expect now? Is there any one of those who hear me who is willing to-day, if we reduce the course of instruction, to say that we shall annex thereto a proposition to found a school of application, where those branches not taught in the Military Academy may be learned before the officer is required to perform the duties of his station? Is there any one here who is willing to divide our military instruction; to fix the requirements of the different arms of the service; saying to those who enter the infantry, you need no more than what belongs to that branch of the service; and so to the cavalry, and so on, making that discrimination which countries of small revenue and large armies always must have between the officers of the scientific corps and the officers of the line of the army? I think there is none who contemplates any such change in the system; that our little Army is hereafter, as heretofore, to be regarded as a mere nucleus, around which the fighting body of the militia are to be assembled in time of war; and that every corps of the Army is to have in its ranks officers who have been educated up to the point of engineers, who understand the principles of attack and defense, and will be ready on any emergency, though there be but a company of infantry serving with a division of militia, to furnish an engineer who will know how to conduct a sap, to throw up an intrenchment, to carry on a siege, or provide for the defense of a place if besieged.

This is part of the benefit which results from having a people able to support a large army, and yet required, in time of peace,

to support but a very small one.

Are the sciences to stand still? Are we to learn no more of chemistry, as the knowledge of chemistry advances over the world: no more of astronomy; no more of engineering; no more of ordnance, of artillery? When all the world is advancing in each of these branches; when new systems of attack and defense

are taught in foreign armies; when new elements of artillery are introduced—guns and cartridges and projectiles constantly changing—when the profoundest science is brought to bear, and the highest mathematics applied to the solution of problems of artillery, are we to assume a fixed condition while all the world beside ourselves move on? If not, if we are to keep pace with the progressive step of science, then, sir, you cannot determine the time within which you will teach these sciences, beginning from a fixed standard. Will you change that standard? you require every youth who comes to enter the Military Academy to have reached the point of mathematical studies, which will enable him to master all these advancing sciences in four years? If so, you exclude from the military service a large body of those who are not able to obtain a preliminary education. either from the poverty of their parents or from the sparse settlement and defective schools of the country in which they reside.

The Senator from Oregon would vainly hope to see a cadet appointed from and solely taught in that youthful State pass through the Academy, when the standard of admission was raised so high that it required, when admitted, a knowledge of the exact mathematical sciences, to enable him to progress with the rest of the studies required of the corps. There would then be a favored class. The history of the Academy shows that some who have come from the western settlements, with the smallest portion of education, and too poor to pay their way by the ordinary mode of travel, have mastered the course, and stood at the head of their class. One who was an honor to the Academy—and is now an honor to it, for he is a professor of it—and I may allude to him without indelicacy, because it is but an admitted and affectionately paid tribute to his merit—entered the Academy with so little previous preparation that at night he had to study the dictionary to learn the definitions of the very words he had to employ in demonstrating his problems by day. Yet he was the first of his class, and is one of the most scientific men of our country. Are you to exclude these, or are you to require extraordinary labor and extraordinary talent to overcome the obstacle; for both are involved. Had the course been then such as has been since projected; had English studies then been taught to the cadet, when he was first admitted; had his mind been trained to expression, and had his knowledge of language been increased before he was brought to the higher problems of science, the way would have been smoothed, which only combined talent and energy, such as his whom I have cited, could have trod with all its roughness.

If neither of these things, then, is to be done, if you are neither to assume that in our country the military science is at a normal condition, nor to change the standard of admission, if you are not to eliminate any of these things which are deemed essential to the education of a military man, what remains but for you to increase your course with the constant expansion of science? Its expansion has been found equal to one year; and if. in the future, its expansion should be still greater, it has yet a margin before it reaches the limit which has been fixed in many of the foreign services. However instructive their experience may be, I suppose it is unnecessary to enter into details which attract here so little notice, and will limit my reference to one service, and to the most general description. In the French system they have four schools—one intended for all arms—that of St. Cyr; then the Polytechnique, which is a general school, both civil and military; then the school of application, at Metz; and then they have the school of the staff. Two years for each of these makes eight years to complete the most thorough military education. They do not, I believe, usually or necessarily pass through the four schools; but they usually go through at least six years of study. After they have received a graduating degree from another institution, they undergo a competitive examination before being admitted to either of the four schools named. They are thus entered into these military schools with a state of preparation about equal to our third class. Their first step, by a competitive examination, submits them to a test, the standard of which is equal certainly to our fourth, if not our third class. If you will raise the standard of admission into the Military Academy, so that they may enter the third class, then you may reduce the term to three years. Three years will suffice to teach the military art, if the sciences upon which it rests have been taught before. It is because we take the uneducated many, and not the educated few, that we require the long term. Hence, if we are to legislate on the subject at all, there is wisdom in the proposition offered by my colleague, that you may abridge the term by raising the standard, that you may allow one, who has acquired enough of education to enter a higher class, to pass at once to it, and to remain a shorter time in the Academy. The thorough military training would not be quite so good; but good enough, I believe, for the purpose; and if it be right to legislate on the subject at all, then I think the proper method would be to allow the academic board to determine the fitness of the applicant to enter a class higher than the lowest class; and if fit to enter that higher class, then to go on with the studies from that point forward. I do not concur in the distinct proposition of my colleague as to entering the fourth class, because I do not believe a boy, who should pass his examination on the fifth class course in mathematics, would have the thorough appreciation of mathematics as there taught, to enable him to master the next year's course of mathematics. I believe he would fall by the way. But if Senators choose to legislate on the subject at all, I think that is the safest mode in which legislation can be had.

Mr. FESSENDEN. I did not suppose, sir, when I moved this amendment, and submitted the few remarks I did in support of it, that I was to give occasion to so much discussion on the part of the Senator from Mississippi. I think we may master this subject by keeping on this side of the Atlantic, without troubling ourselves about the French revolution. One would imagine, from what the Senator from Mississippi has been saying, that I had attacked this institution. He warns us against pulling down the important institutions of the country. Why, sir, I am endeavoring to build it up. I believe all the institution that I have attacked, or that anybody has attacked, is the institution that was appointed by the Senator himself, some three or four years ago; and that was, the extension of the term from four to five years.

Mr. DAVIS. I think, if the Senator paid attention to me, he discovered that it was not a measure for which I deserved credit. I think somebody is entitled to credit for the change; but I

think he heard me state exactly how it was done.

Mr. FESSENDEN. Still, the Senator was the actor. It was done under his order—by his direction. It had not existed before; and if we want to find the time when the thing began, I take it with him, and go to its first start. Up to that period the Military Academy had got along from its foundation with only a four-years term of study. At that period the new course began; and because I propose here to bring the matter back to what the institution was originally, the Senator intimates that we are about to destroy some ancient institution or other. I really do not perceive the sequitur; I do not perceive the danger, or why we should be impliedly considered as levelers and disorganizers because we venture to differ from the opinion expressed by boards of visitors, although indorsed by the honorable Senator from Mississippi himself.

Really, I know very little about this matter; but I believe I shall not plead ignorance much longer on the subject; for,

although I cannot comprehend all the Senator's military terms that he uses on this occasion, I really do believe myself capable of forming an opinion upon so simple a matter as this. I would not, however, endeavor to do that on the strength of any letter that I may have received from a cadet. I trust I need not repeat in the Senate that, on this subject. I have never written a letter. I do not seek trouble in any shape or form; and, not being a member of the Military Committee, and it not being my duty, of course I made no inquiries on the subject. The authority which I adduce is the authority of one of the professors. The Senator says he knows him; and, if he does, he knows that he is a very distinguished man, quite as much so as any gentleman connected with science in this country—that is to say, in his own peculiar line. I hold in my hand a long letter, written by Colonel Delafield himself, the principal of this institution, at the request of, and in reply to a note addressed to him by, the chairman of the Committee on Military Affairs of the House of Representatives, asking his opinion, in which he goes into the subject in detail, and expressly says all, and more than all that I read from the opinion of the professor which I cited before, stating that this change has, in its effect, been injurious, and he recommends that it again be changed.

Now, sir, in the face of this letter from this distinguished gentleman connected with instruction at the Academy, is it to be intimated that we really do not know what we are doing, and that we are laying our unhallowed hands upon this ark, because we happen to touch the opinions of the Senator from Mississippi, founded on the reports of visitors made heretofore? I apprehend not. I think myself justified in differing from the Senator, and differing from the board of visitors who advised the change, when I find the principal of this institution and one of its leading professors expressing opinions directly contrary, and saying that the practice has proved injurious and they recommend its abrogation.

Mr. DAVIS. What is the date of that letter?

Mr. FESSENDEN. The 20th of February, 1860.

Mr. DAVIS. I supposed so. It was before the examination made by the commission of which Major Delafield was a member.

Mr. FESSENDEN. It was while the commission was going on.

Mr. DAVIS. I was familiar with the letter; I saw it in the committee of conference.

Mr. FESSENDEN. The letter is as full and ample as it can be; it goes into the whole details of the case, and gives his opinion on it from beginning to end. He says the practice has proved injurious to the institution, as he believes; and he recommends that it be fixed by law. Well, now, the Senator seems to imagine that we are doing great wrong when we attempt to legislate on the subject. I am a little tired of this attempt to take the Navy and the Army entirely out of the control of Congress. There can be no question that we have the constitutional power to make this provision if we see fit to do so. The Senator does not argue that we have not the constitutional power to do it. I should be opposed, myself, to interfering with the detail of instruction, saying what shall be taught and what shall not be taught; for we know nothing about it, comparatively. We leave that in proper hands: but when we are called upon substantially by the instructors themselves to provide against what they suppose and believe to be an evil, from actual experiment, the question becomes a very different one. It is not an unauthorized interfer-

ence on our part, by any manner of means.

Mr. President, I take it that the Army and Navy must be under the control of Congress to a certain extent. We cannot appoint the officers; and there are certain matters connected with both that are left to the President of the United States. We may make rules and regulations concerning them; we may abolish them both; we may strike them out of existence if we see fit: we may refuse all appropriations for them. They are substantially under our control as Representatives of the people. and they should be; and when we find that, with regard to a particular question, there is a difference of opinion between the Secretary of War, who is a civil officer, and the board of instruction of the Academy itself—an institution so interesting as the Senator says it is, and as I admit it to be, to the country—it is very strange if we cannot step in and exercise our power and provide what shall be done in a given case; and that we are to be met by the argument that we know nothing about these matters, and must not lay our hands upon what belongs to the President and the Secretary of War. Why, sir, if I believe they are going wrong in a matter that is within my jurisdiction, it is my duty to interfere. I did not feel, however, in reference to this question, that I have any particular duty to discharge; and I should not have meddled with it again but for the letter which I received personally, in which the opinions expressed were so strong and so decisive, that I believed it became my duty to bring the matter again before the Senate unless somebody else did: and since I have seen this letter of Colonel Delafield, which is here. I am certainly confirmed in my views on the subject. At this late hour, however, I do not feel disposed to detain the Senate.

Mr. DAVIS. Mr. President, the Senator from Maine always displays ingenuity—not to use a harder word—in the reply which he makes to any answer that is made to him. I thought my language was very clear; and I thought no one, however ingenious, however disposed to torture, could have supposed that it was my opinion which I was presenting as a thing that nobody could touch without violating a hallowed ark.

Mr. FESSENDEN. Will the Senator allow me a word?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. I am afraid he is not in the habit of hearing that which he does not like to hear.

Mr. DAVIS. That is very much the case when the Senator speaks, I admit.

Mr. FESSENDEN. Very well, sir; the Senator may feel as he chooses upon the subject. What I said was not because it was the Senator's own opinion; but I expressly added the words, "as founded upon opinions expressed to him by boards of visitors." Did the Senator hear that?

Mr. DAVIS. Yes; I heard it. Mr. FESSENDEN. Very well.

Mr. DAVIS. I presented, Mr. President, a part only of the vast amount of information which is before me, and which properly relates to the subject. It would have been easy to anticipate the authority which the Senator last introduced, because I saw who brought it to him; knew what the letter was; when it was written, and all the circumstances connected with it.

The question, however, before us, is not, by any means, a new one. When Colonel Thayer, in 1818, submitted his plan for the reorganization and change of studies, fixing the time, and so on, it was submitted to General Bernard, who had been an officer of distinction in the French army, and to Major or Brevet Colonel McRee—I believe the purest intellect and best informed military man I ever saw. Their remarks are printed in the volume of State Papers before me, from which I will read only two paragraphs. In the first instance, as to who is to be at the head of the Academy, and what is to be its management:

"The school at West Point to be under the superintendence of an officer of the Army, especially appointed for that purpose by the President of the United States. The superintendent will communicate directly with the Secretary of War on all subjects relating to the instruction, administration, &c., of the school.

"Remarks.—The school at West Point now furnishes officers

indiscriminately to the whole Army; there is, consequently, no good reason why the corps of engineers should any longer exercise an exclusive control over the institution. The Secretary of War alone should be vested with a general control, and with the only intermediate authority between the superintendent and the President of the United States."

They looked upon it merely as an executive matter. Then as to the term of study:

"The course of study at the Academy to embrace a period of four years; and the cadets to be kept, by graduations of one

year, in the four corresponding classes.

"Remarks.—This article should be maintained, at least until experience shall enable us to determine whether the period of four years is sufficient to give the cadets the degree of instruction which it is the object of the institution to furnish."

This, taken in connection with the letter of Colonel Thaver, is a full explanation. He says, writing six years afterwards, you cannot introduce Spanish into the Academy; because, if you increase the course, you must increase the term; that is not proposed; you cannot increase the studies, the whole time being absorbed with the studies as they now are. But not only has that language been introduced, but there has been a steady expansion of the sciences then taught, and the department of ordnance and artillery has grown from a very small dimension at that or even a long subsequent date, to be one of the large and not by far the least important of the courses taught in the Academy. Under this state of the case, it is idle to go back to that time and quote letters of gentlemen, however eminent they may be, unless with due reference to the change of circumstance as affecting their present application. If the course be reduced to the limit of 1824, the term need not be greater than it was at that date; or if a school of application be established. the course may be modified and the term thus be reduced. In this connection, I will send to the desk to be read, the last paragraph of a letter of Mr. Calhoun, when Secretary of War, to the House of Representatives, showing that a school at that time. just such as the Senator would now make, was considered equal only to the line of the Army; and that it was even then, for the scientific corps, deemed necessary to have a school of application.

The Secretary read, as follows:

"I cannot refrain from observing, on a subject of so much importance as the education of those who may be charged with

the defense of the country, and on whose skill and fidelity our honor and security must so much depend, that, whatever degree of perfection may be given to the Military Academy at West Point, as an elementary school, yet our military education, in the higher branches of the art of war, must remain imperfect without a school of application and practice. The education at the Military Academy will be full and complete for officers of infantry; but those who may be promoted into the artillery, and the corps of engineers, ought to have the means, in a school of application and practice, to complete their theoretical knowledge in the higher branches of the science connected with their profession, and to apply the knowledge acquired to practice. It ought never to be forgotten that the military science, in the present condition of the world, cannot be neglected with impunity. It has become so complicated and extensive as to require for its acquisition extensive means, and much time to be exclusively devoted to it. It can only flourish under the patronage of the Government, and without such patronage it must be almost wholly neglected. A comparatively small sum, expended in time of peace, to foster and extend the knowledge of military science, will, in the event of war, be highly beneficial to the country, and may prove the means of its safety. A school of practice and application, with the exception of the cost of the necessary buildings, would be attended with but a small expense; and, with such an institution, officers would be trained who would be masters of every branch of knowledge connected with their profession, and who, by their science, would be not only highly useful, but an ornament to their country. Without pursuing the subject any further, I would respectfully refer the House to a report on this interesting subject, made in obedience to its order, on the 15th of January, 1819.

"I have the honor to be your most obedient servant."

Mr. DAVIS. At that time, when military science had not progressed to its present dimensions, Mr. Calhoun found that the Military Academy, with its four-years course, was not equal, as he supposed, to the wants of the scientific corps of the Army. With the steady expansion, its inequality has increased. The five-years course is now deemed to be the smallest amount that will answer. The superintendent of the Academy, an officer of very high ability, and who was one of the commission that examined into the subject of the programme of studies, I suppose, if he were called upon to say, "in this programme of five-years, is there anything which admits of condensation, is there anything which may be without injury to the service eliminated?" would answer both in the negative. "If, then, there is no study which you can omit, if there is no year which has

not as much as they are able to perform within it, how are you to shorten the term without injury to the Academy?" I am sure his answer would be, "by raising the standard of admission;" and in that way alone can it be done. If done in that way, it may, perhaps, then justify the charge which has been so often made, that this institution was an exclusive one, that the Army was an aristocracy—a charge which has heretofore been unjust, and which, whenever it can be fairly made, will be the premonition of a downfall of the institution, and the service for which it is intended.

Remarks of Jefferson Davis on the bill for the relief of William H. De Groot. June 8, 1860.

Mr. DAVIS. It seems to me there is something rather extraordinary about the joint resolution which is before us. This is a case in which it appears the claim has been referred to the Secretary of the Treasury; and after adjustment by the Secretary of the Treasury, the claimant, not satisfied with the amount he received, returns again to Congress, and here is a bill before us to send the same case to the Secretary of War. I do not see why a case, having been already settled in one Department, should be transferred to another for reëxamination. There is no higher jurisdiction in one Department than another. It seems to me altogether irregular and improper to send the case first to one Department, and should the claimant not get as much as he expected or hoped for, then to try another Department, and so on, to run the whole circle of Departments, and perhaps go into another Administration before he gets through, and try to review the decisions under a new Secretary in each Department. Unless there be some reason for changing the jurisdiction of the case from the Secretary of the Treasury to the War Department, I think the practice very objectionable, and I shall be very glad to have an explanation of it.

Mr. HAMLIN. This matter was committed to my charge by the Committee on the District of Columbia, to which it was referred. I am laboring under so severe an indisposition today that I do not know that I can be able to make myself intelligible. I have a horrid headache. I will endeavor, however, to do the best justice to the claimant that I can.

I will answer the suggestion which the Senator from Mississippi made. He says this matter was referred to the Secretary of the Treasury, and has been once investigated by that Secretary, and does not see why it should be again referred to

another Secretary. In the first place, the Secretary of the Treasury has not examined the claim of William II. De Groot. He examined the claims of other parties, but he refused to examine the claim of Mr. De Groot because Mr. De Groot technically was not a party to the contract known to the Government, thereby depriving him of that equity which the original resolution was designed to give; the Secretary of the Treasury insisting, at the same time, that it was not a matter that came appropriately within his jurisdiction, but that it ought to have been sent to the Secretary of War. He did, however, decide partially upon it.

Now what is the case? Certain parties made a contract with the Government to furnish a large quantity of brick, varying, I think, from twenty-five to seventy million, for the construction of the aqueduct. They failed. They could not perform their contract. The gentlemen who are sureties for those parties then came in, and to hold themselves from responsibility, they undertook to perform that contract. They could not do it. The Treasury recognized the bondsmen for the first parties as having a right to come in. They were known to the Department. I think there were some writings made, which recognized them as parties to the contract, and they were accepted in the place of the original contractor. They failed, as I said; and then they assigned their contract, or whatever you may call it, to Mr. De Groot. He stepped in, and while the Government did not recognize him in writing as the party with whom they had made a contract, they allowed him to take the contract and go on with it: and he did take it and go on with it up to the period of time when the Government stopped the work. He was recognized, and Captain Meigs says, in his report, that he did all the work faithfully up to that time, and was, in all the transactions, recognized as the party doing the work.

Now, when Mr. De Groot assumed that position, what did he do? He put his hand in his pocket and he paid the men who had made brick yards; he bought all the existing implements, and paid the previous parties for all the outlays that they had made, and stepped right into their place. The expenditures were large—some \$30,000 for land, brick, mules, carriages, and making roads, everything; for the contract was an enormous one—seventy million brick at, I think, \$8.75 a thousand. Before he could get ready to make the bricks, in order to comply with the demands of the Government, he bought large quantities of brick, and supplied, as I think Captain Meigs himself will say, all that was required until he got ready to go to work; and

then he supplied his own brick. Then a resolution, to which the Senator from Mississippi has alluded, was passed, under which the Secretary of the Treasury was authorized to settle this matter. I think that resolution did cover Mr. De Groot. The Department, however, in its care and caution, decided that it did not. That resolution provided:

"That the Secretary of the Treasury shall settle and adjust with all the parties respectively interested therein, on principles of justice and equity, all damages, losses, and liabilities incurred or sustained by said parties, respectively, on account of their contract for manufacturing brick for the Washington aqueduct; and he is hereby directed to pay the amount found due by such settlement and adjustment out of the appropriation made for paying the liabilities for the said aqueduct by the act making appropriations for certain civil expenses of the Government for the year ending June 30, 1857, approved the 18th of August, 1856: Provided, That the said parties first surrender to the United States all the brick made, together with all the machinery and appliances, and other personal property prepared for executing the said contract, and that the said contract be canceled."

Now, at the time that resolution was adopted, Mr. De Groot was actually the party carrying it on; it was his property that was turned over to the Government; but the Secretary of the Treasury said, he is not known here; we cannot consult him; we cannot pay him any losses or damages he has sustained, because he is no party to the contract. The Secretary could not pay the other parties, either the contracting parties or their bondsmen, because they had not suffered those losses.

Mr. DAVIS. If the Senator will allow me, just there is a point on which I would like to be informed: whether the authority given to Messrs. De Groot & Darling, I think it was, had not been withdrawn, and the same authority transferred to Mr.

Kellogg, anterior to that?

Mr. HAMLIN. Not to my knowledge. I will read a word or two from the House report, which was made by a Representative from Kentucky known to most of the members of the Senate. I know him very well. In my judgment, he is a gentleman who, if there be any fault in him, it is that he is too careful in the vigilance with which he watches the Treasury. Every Senator here who knows Mr. Burnett, of Kentucky, knows very well that he is, of all men in the House, the most careful, the most prudent, the sharpest, and the closest, in watching bills of a

private character. He reported this bill in that House; and I will read a single extract from his report:

"But from the report of the Secretary, or rather his award made in pursuance of the joint resolution, it appears that the memorialist was allowed neither expenditures, profits, nor damages. He was excluded on the ground that he was not a legal party to the contract, and could not, therefore, be recognized as one of the parties who had a right to claim under the joint resolution. The memorialist was not a party to the original contract, but was accepted by the agent of the Government as the assignee, and was thus a legal party under the resolution,

and had a just claim to indemnity under it.

"Having once decided that the memorialist had no right to indemnity under the resolution, his decision, judging from the evidence before the committee, was entirely correct; for neither Degges & Smith, nor Mechlin & Alexander, sustained any damage, loss, or liabilities, which the Government was bound to make good. Degges & Smith never suffered any interruption in the performance of their contract. Indeed, there is no evidence that they ever attempted to execute it. Mechlin & Alexander were mere sureties for the faithful performance of the contract of Degges & Smith; but they assigned it to De Groot, the memorialist, and never incurred any liability, nor sustained any loss, and could not, therefore, justly claim an allowance for losses, liabilities, or damages under the resolutions."

It all turns upon that single technical point, whether this honest mechanic, who is a poor man, and who, I think I am fully authorized in saying here, in the language of Captain Meigs to me, was an abused man, shall now be turned out of doors in consequence of the Government refusing to make an appropriation, when they have taken his property from him under this resolution, and not indemnify him for the losses which he did sustain, though he was not a technical party to the contract. I hope that Congress will be favorably disposed towards his claim.

Mr. DAVIS. Whatever claim may be founded upon the failure of Congress to make appropriations for the continuance of works undertaken, I suppose all those interested in them may allege. If the Senator had said it was bad policy to make a partial appropriation, depending upon a future appropriation for the continuation of the work, I should concur with him that a gross amount should be estimated in the beginning; that the whole amount should be appropriated, and that so much of it might be drawn annually as Congress should pre-

scribe. But if contractors will bid, knowing the contingency, which all intelligent men understand, and the liability of failure of appropriation, and when Congress refuses to appropriate for the continuation of the work, and they suffer loss and damage, it is one of the hazards which belong to contracting with the public under such circumstances; and if we undertake here to indemnify every contractor for every such loss, real or supposed, I think we shall have to furnish new means of revenue to meet the increased and increasing demands of such claimants.

The case before us I cannot understand as the Senator does. nor was I satisfied with the reading of the report. I did not find in the report that history of the case, which, as my memory served me, responded to the facts. I sought, therefore, for further information, and I would state the case somewhat in this form: a contract for twenty-five to forty million bricks was made with Degges & Smith on the 23d of January, 1854. It is to be found printed in Executive Document No. 82, Thirty-Fourth Congress, first session, page 25. The contractors, Degges & Smith, failing to fulfill their contracts, their sureties, Mechlin & Alexander, were called upon and undertook to carry on the work, not as contractors, but to save themselves as sureties. No new contract, be it remembered, was entered into with the sureties, but they had signed the bond, and were under the obligation of the original contract, and now, to avoid the penalty of the failure of that contract, they undertook to perform it.

They made arrangements with William H. De Groot or with Darling & Co.—I do not know the exact relations of the parties: but Mr. D. V. Darling, it appears, was the acting agent in the matter. These parties did not deliver the bricks as rapidly as the contract required, and the United States was compelled to purchase bricks and transport them to the work. It is a common manner of supplying a work, where a contractor does not furnish the amount of brick required, to buy them at the expense of the contractor. In this case it appears not to have been objected to. The contract, however, was not declared void or forfeited, and the parties engaged in it expressing an expectation of being able ultimately to fulfill its conditions, if not rigorously dealt with, it remained until they got their yards ready to deliver the bricks as required. Bricks were bought by the engineer, and the cost and charges incident to their purchase and delivery were charged against the contractor.

Subsequently the authority under which Messrs. De Groot & Darling had acted—and this is the point which I asked the Senator the question upon—seems to have been withdrawn by the

sureties, Mechlin & Alexander, and a like authority given to Mr. Kellogg and others to act for them. To these arrangements and agreements, first and second between Mechlin & Alexander, the sureties, and any of the various persons, the United States, neither by the engineer or otherwise, were a party. The contract contains a provision prohibiting its being sub-let or assigned, and the original signers, as principals or as sureties, were throughout held responsible. They had the common right to give powers of attorney to any person to receive and receipt for them, and the payments were made upon the powers of attorney thus given, so long as bricks were delivered, and the powers of attorney were not revoked.

Congress having failed to make an appropriation for continuing the work on the aqueduct during the fiscal year ending June 30, 1857, the persons interested in the brick contract complained that it was unfair to them, after the delay of a year, to require them to proceed with the manufacture and delivery of bricks; and, at their instance, Congress passed the joint resolution of March 3, 1857, which is stated in the report. By this resolution, the Secretary of the Treasury was directed to settle and adjust, with all the parties respectively interested therein, all damages, losses, and liabilities incurred or sustained by said parties respectively on account of their contract for manufacturing bricks for the Washington aqueduct; that is, upon certain conditions. I think the resolution originally was hazardous to the last extreme. It allowed everybody interested to come in with any loss or damage which had been incurred under the contract. It was to guaranty to them an annual appropriation by Congress, which, under the contract, had not been done, which nobody had a right to do, and which the contractor must have foreseen, if he was an intelligent person, able to do business for himself, at the time he entered into the contract.

The Secretary of the Treasury discharged the duty imposed on him by the joint resolution; yet some of the parties, being dissatisfied with the award which has been paid, seek further relief. If the Secretary of the Treasury has decided the matter, then, as I said in the beginning, I do not see the propriety of transferring it to another Department. It is to take the chances of a more favorable decision from another Department. The vouchers and all the papers are now in the Treasury Department. The Secretary of War would have to call upon the Auditor for the papers upon which he would reëxamine the case. The only advantage the Secretary of War could have would be in his knowledge of the personnel connected with the

contract and its execution. So far as it rests upon the paper, as governing the decision, the Secretary of the Interior stands in a better relation to the subject than the Secretary of War.

If the object, as declared by the Senator from Maine, be merely to allow this attorney or agent of the sureties to the original contract to appear as the real party in interest, it would be answered by so declaring that the person named, or other persons, should be allowed to appear and present their claims for losses or damages under the resolution; and that the Secretary of the Treasury should examine the case as though they had been contractors. But there is something in the nature of the resolution which, it seems to me, must lead to confusion, if not to serious error. The proviso is added at the end:

"That there shall be deducted from the losses, liabilities, and damages found due to him, the amount paid to him by the Government."

Now, as he was not a contractor, as he was not a surety, and therefore not entitled to come in and take the liabilities of the contractor, it followed, as a matter of course, that he could receive nothing except as an attorney. Therefore, paid to him in his character, as contractor, there could have been nothing. Paid to him, on account of losses and damages sustained by him on the contract, there could have been nothing. He must all the time have received, as the agent and attorney of the contractor or his sureties. That was his real position in the whole transaction. It does not appear that the United States have received any of the material which had been made use of without giving due compensation for it. The whole loss accrued from the failure to pass an appropriation. There can be no allegation that loss arose otherwise, unless it be that the contract was an unwise one for him who made it. Such indemnity as will result from an injudicious contract, or result from damages known to have accrued from failure to make continued appropriations, I trust the Senate are not prepared now to impose upon the Government.

Mr. CLARK. Mr. President, I had occasion, two years ago, as a member of the Committee on Claims, to examine this claim of Mr. De Groot. I came to the conclusion then that Mr. Meigs has come to, that Mr. De Groot was a very much abused man. He had undertaken to do this service for the Government. He had furnished himself with property, with horses, with carts,

with a brick-yard, and the materials for making brick, and had gone on to perform this contract. The Government had recognized him as the proper party to perform this contract. They had received the bricks from him as he made them. They also took the bricks from him which he purchased to complete this contract. It is very true, as the Senator from Mississippi says, that Mr. Meigs did purchase some bricks before De Groot got ready to make bricks; but he charged the loss upon those bricks to Mr. De Groot, and Mr. De Groot paid it.

Mr. DAVIS. I think I so stated.

Mr. CLARK. I did not hear the Senator so state.

Mr. DAVIS. It is the usual practice, and enters into contract. It is one of the conditions.

Mr. CLARK. But I think the Senator did not state that Mr. Meigs had furnished a few thousand, while Mr. De Groot purchased some two million five hundred thousand, because he was not ready to make them. I am so informed by Mr. De Groot himself, and that he turned them over as part of the contract.

Mr. DAVIS. I did not state it, because I did not know the fact.

Mr. CLARK. The Senator was not aware of that fact?

Mr. DAVIS. I was not.

Mr. CLARK. The Government, recognizing Mr. De Groot as having a right to perform the contract, and refusing to pay him, has set up——

Mr. DAVIS. Will the Senator state how the Government

has refused?

Mr. CLARK. By taking the bricks from him, and not paying him for them. I will show, I think, that the Government recognized him still further. This resolution of March 3, 1857, provided that the Secretary should settle with these people who suffered loss, provided they turned over their property. Now, Mr. De Groot had carts, had horses, had bricks on hand, and under that resolution he turned them over to the Government. The Government accepted them from Mr. De Groot, thus recognizing him as the party to perform the contract; and here is the point of the whole case. You have taken the property of De Groot, and refuse to pay him for it. You accepted the property under the resolution, and when you come to pay, you say he is not under the resolution. I say when you have taken property under the resolution, you should pay under it, and not set up this technical objection that somebody else is to be paid. If somebody else was to be paid, why did you take De Groot's property-his horses, his carts, and his bricks? He

simply asks now that you shall do him justice. You have got his property. Pay him for it, and do not say it belongs to somebody else.

Mr. DAVIS. I would ask the Senator whether he says he was not paid for the articles taken by the Government; that he

was not paid for the things they received?

Mr. CLARK. I say precisely this: that when he had turned over his property, the Government refused to recognize him, and undertaking to pay such sum as they chose over to the prior contractors, De Groot got what they chose to give him, and nothing more. The Government took his property, and then would not recognize him.

Mr. DAVIS. I may not understand the case. If I do, the

Government paid for all they received.

Mr. CLARK. I cannot undertake to say how that was; how much precisely they did pay for; but they took his property at their own valuation and turned him over to somebody else. That is precisely the statement of the case. Now he asks to be recognized under that resolution and have his damages settled by the Secretary of War. Is there anything unfair in it? Does not the Senator himself see the justice of it? If you have got his wood, his carts, his horses, why not settle with him? He does not ask any definite price. He asks that the Secretary of War may ascertain what is due to him in justice and equity, and pay it to him; and this proviso, instead of leaving it in confusion, shows the necessity of it. He says: "I do not want to be paid over again anything that has been paid me. I am willing the Secretary shall deduct anything that was paid while I was going on with that contract; anything in the world that should be charged to me, let him deduct from the pay and give me the balance." That is all he asks. I think it commends itself to the justice of everybody. I do not wonder Mr. Meigs said he was a much-abused man. Meigs was the man to whom he delivered the brick. Meigs was the man that was at his yard. Meigs was the man who knew how he had been treated all along, and he was forced to exclaim, "De Groot was a muchabused man." I think so too. All he claims now, is that the Secretary of War shall settle this matter upon principles of justice and equity.

Mr. DAVIS. The resolution which is before us does not refer at all to the argument which the Senator from New Hampshire has made. He argues as though this man's property had been taken by the Government and had not been paid for. The resolution is for losses and damages. The resolution is

not to pay for his bricks. Neither was it possible for the officer of the Government who had his accounts to settle to pay any one but the contractor, except as attorney for somebody else. Any one who produces a power of attorney may be paid on the part of the contractors, but certainly no officer of the Government could have taken the hazard to pay a person who did not appear as contractor, except upon a power of attorney to receive.

Now, the Senator talks about carts, horses, and so on, but this bill is to pay him for—

"the amount of money actually expended by him in and about the execution of the said contract, and also to indemnify him for such losses, liabilities and damages as by virtue of the said joint resolution he was entitled to receive."

This is not for property delivered. I have never heard it alleged by anybody before that all the property which was received was not paid for. You may make a question as to whether a particular person received the money who was not the contractor, though, as I suppose, the money has been paid to those who had a right to receive it under the contract; but that would be to impose upon us the obligation to step in between the contractors and their attorneys, to settle their accounts between them, and if the contractor has not turned over the money which he received in due allowances to his attorney, to his foreman, to every workman in his yard, we are to pay him over again. You might as well take one of the molders in the yard, and inquire whether he had received the amount per diem to which he was entitled, and, if he had not, pay it to him. The Government cannot undertake to enter into these questions. can only pay the contractor who appears legally as such. If there be any wrong done to this individual, as the Senator seems to suppose—it may be so, I do not say it is not—let him be relieved from what is asserted to be a difficulty by naming him as the person who may go before the Secretary of the Treasury and state his case; and if the Government owes him anything, require the Secretary of the Treasury to pay it.

Jefferson Davis to Franklin Pierce.
(From the Library of Congress, Manuscripts Division.)

Washington, D. C. June 13, 1860.

My dear General.

Your welcome letter of the 11th Inst relieved me of speculation of your whereabouts as I had seen it stated in the news

papers that you were about to go directly to New Hampshire but had not found verification of the statement. It grieves me beyond expression to learn that Mrs. Pierce is ill and Mrs. Davis joins me in expression of our sympathy and affectionate regard.

We all deplore the want of una[ni]mity as to the candidate among our Southern friends and I do not see any satisfactory solution of the difficulty. The darkest hour precedes the dawn and it may be that light will break upon us when most needed

& least expected.

If your hope should be realized as to the action of the N. E. and N. Y. delegation in relation to the delegates to be admitted from the South it will have a good effect, if they should otherwise decide in favor of the spurious delegates the Democratic party will become historic.

Our people will support any sound man, but will not vote for a "squatter sovereignty" candidate any more than for a

"free soiler."

If northern men insist upon nominating Douglass we must be beaten and with such alienation as leaves nothing to hope for in the future of nationality in our organization.

I have urged my friends to make an honest effort to save our party from disintegration as the last hope of averting ruin from the country. They would gladly unite upon you, or Dallas and would readily be brought to any one of like character and record.

I urged upon Mr. Minot before he went to Charleston the evil effect of permitting N. H. to be mustered in under the banner of Douglas, but it was of no avail. Matters are now more complicated and men are more unreasonable. Some are unwilling to go into the convention at Baltimore and are disposed to rush blindly on dangers which they feel are at hand but do not appreciate, others see in the crisis only the vulgar struggle of the ins and the outs, and have no fear of a catastrophe whilst a few are willing to abandon the government to get rid of men who are unfaithful to it.

I have never seen the country in so great danger and those who might protect it seem to be unconscious of the necessity. If our little grog drinking, electioneering Demagogue can destroy our hopes, it must be that we have been doomed to destruction.

Hoping soon to see you and in the meantime to hear from you fully I am as ever cordially

Your friend JEFFN: DAVIS

To Presdt. F. Pierce

Jefferson Davis to James Buchanan. (From Pennsylvania Historical Society.)

To the Prest,

This letter though private is submitted to your perusal with the hope that its manly tone and the evidence it bears of devotion to the true principles of our party will commend the writer to your favorable consideration. I have known Mr George for some years and hold him in high personal regard. He is the intimate friend of Ex Prest. Pierce and his reappointment would be grateful to him. As his qualifications cannot be doubted I hope minor considerations concurring that he will be spared the pain of seeing his enemies rejoice

Truly yr. friend
JEFFN: DAVIS.

Ira B. Davis to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Brooklyn June 14th 1860

Dear Sir

The time is at hand when to prevent this union from wreck and at the same time secure a triumph to the democratic party some master stroke of policy is required, for a large portion of the people are bewildered upon the subject of slavery and the democratic party appears to them to occupy a false position. The crafty enemies of peaceful progress taking advantage of these peoples lack of information upon this subject and by appealing to the prejudices that pervades the free states against slavery as a principle they have been enabled to turn the popular feelings against the democratic party and lift themselves into the position of patriots and reformers and unless some adequate means be devised to break the spell into which these pseudo philanthropists have magnetized the free states I fear our forces will be overwhelmed in Nov' by a huge army of misguided fanatics led on by demegogues who to serve their ambition would rend our union into shreds. To avert this threatening calamity is our duty and any and every honorable device that will aid us in the work should be adopted.

I believe that God will prosper our work if we labor with befitting energy.

It is our Nations Mission to annex by digrees the Continent

and Islands of America into one great republic and spread the blessings of civilization and liberty. And it is against this policy that the opposite party has ever been arrayed, and at this moment the mass of the people sympethise with them because they are led to believe that it would perpetuate and increase slavery. But this delusion once removed the people would be with us and the government be perma[ne]ntly democratic. This can be accomplished for I think that the most favorable circumstances that ever occured present themselves for our use The republican leaders charge our party as being pro slavery and the mass believe them to disabuse their minds is our duty and we have a favorable opportunity to do it and at the same time place the opposition leaders where they belong

The democratic party has never defended slavery as a principle, though it has shielded the institution as it existed at the formation of the Confederacy, and protected the pioneer in the Teritories in the rights of property injoyed in any of the states. Yet it has ever opposed the slave trade as piratical. And the present administration has vigorously prosecuted those who have dared practice the trade while it has religeously observed the Constitutional obligations to the slave holder, honorably fulfilling the contracts with slave states and slave owners yet proving that our party is not pro slavery but the most formidable enemy the institution has to encounter. For the safety of our union the people should know this and proper steps taken to

spread that information before it is to late.

The Island of Cuba is the great market for African and Cooley slaves, and will continue so to be, so long as it remains under spanish rule, which is a great temptation to our Merchants and seamen and a vast expense to our government to guard the coast capture the vessels and return the Africans to their native soil. To distroy this market remove the temptation from our commerce and render this marine police unnecessary is the step which must be taken which is the absorbtion of that Island. Cuba once annexed to this confederacy the slave trade would be distroyed and as the white population aided with new inventions of labor saving machinery flows southward the institution will gradually die out, which is the only peaceful or practical method of removing it. And this course has ever been the policy of the democratic party without making any pretence to special philanthrophy. But the time has come when it is necessary that the democracy should put forth its claims as the real humanitarians and only practical political progressives Let us arouse the people to the fact that to check the slave

trade which is assuming frightful proportions ('uba must be annexed that this traffic may be broken up. This view forceably presented to the people would quicken their understanding win the sympethies of the generous and strip the mask from the demegogues who have slimed the people with their sophistry

If the Convention at Baltimore can see the question in this light and ingress it in their platform the death knell of the republican party will have been sounded and the victory of the

democracy rendered certain.

As a democrat wishing our party success I have taken the liberty of addressing you asking your attention to the *sujestion* and if favorable that you will make such use of it as in your judgment will serve our cause

Yours in the struggle IRA B DAVIS

Hon Jefferson Davis

U S Senator

[Indorsed: Brooklin

political, an

index of sentiment.]

Remarks of Jefferson Davis on the civil appropriation bill. June 12, 1860.

Mr. DAVIS. I object to the amendment proposed by the Senator from Missouri, while I admit the entire correctness of that mode of distribution. I do not see why we should postpone the distribution until after another census may be taken. It will be some time before that census will be complete, so as to make the distribution upon it, and, as this is to be an annual appropriation, I expect about the time we shall have the full returns of the census another distribution will take place. Why, then, postpone the present year's issue to abide the returns of the census to be taken for 1860? The Secretary of War, in his annual report, calls attention to the necessity for increasing the appropriation for arming the militia, in these words:

"I desire to call attention to the existing law for arming and equipping the whole body of the militia of the United States, which was passed in 1808. The provision then made for the purpose remains the same at this day, and is insufficient for its effectual accomplishment. This is evinced by frequent requisitions and urgent applications from States and Territories for advances of arms and equipments beyond their regular quotas."

So that the application is one which it appears has been made for some time past. To my own knowledge, there are constant applications for arms for volunteer companies in the different States, mostly in the new States, and for the very forcible reasons, presented by the Senator from Iowa, that they have received less relatively than the States which have been receiving for a great number of years under the operation of the act of 1808, since its passage. They have even sought permission to buy arms made by the United States, in order that they might have the militia properly armed and equipped; and feeling that the appropriation made by the Government was too small for the purpose, they have asked permission to buy arms; and the Senate has passed a bill that is now before the House to allow it. Under this general recommendation of the Secretary of War, the Committee on Military Affairs came to consider the question, and addressed the Secretary, in order that they might know more specifically what the necessities were, and what were his wishes. I will read his answer:

WAR DEPARTMENT, May 22, 1860.

SIR: In answer to your letter of the 14th instant, requesting my views as to the extent to which the appropriation for arming and equipping the militia should be carried, I have the honor to state, that in the suggestion on this subject in my report to the President of the 1st December, 1859, I had in view such a ratio of increase as should be nearly proportionate to the increase of the militia force since the existing annual appropriation of \$200,000 was made in 1808.

That view is strengthened by the increased facilities of intercommunication afforded by telegraph, railways, and steamboats, for concentrating, in an emergency, large bodies of militia from

distant points.

To carry out my view of the case will require an increase of the present annual appropriation to at least a threefold extent, or to \$600,000, which amount, I may add, will furnish means to arm and equip, as infantry, only one hundred men for each Senator and Representative, reserving enough to supply each Territory to the same extent as a State having the least representation in Congress.

Very respectfully, your obedient servant,

JOHN B. FLOYD, Secretary of War.

Hon. JEFFERSON DAVIS,

Chairman Committee on Military Affairs, Senate.

This amount which we have before us is that which is estimated by the Secretary of War to be necessary to meet existing

demands, and which, according to his statement, will be one hundred arms for each Senator and Representative. To delay this is, therefore, to reject the applications made by the militia, and which have been made for some time past. To make this issue now, and make a similar appropriation next year—which similar appropriations will of course be issued in accordance with the views of the Senator from Missouri, and in compliance with the terms of his amendment—seems to me to be the better course of meeting the present necessity, as well as providing for the future.

A single word now as to the character of the arms that we propose to make an annual appropriation of \$400,000 for. My own opinion is, that the Government should only issue in time of peace to the militia such arms as are used by the Government in time of war. Models may change; but in the meantime, you instruct the militia for existing necessities, and for the use of existing means. All patent arms, revolving pistols, fancy arms of every kind, which can only be used by special corps and under special circumstances, I think ought not to be issued to the militia in time of peace, as one of the means of their instruction. There is, however, a standing appropriation of \$200,000, out of which they may still make requisitions for patent arms, if they want them. I do not think the practice a good one, but it is not proposed by this amendment, as I understand, to disturb that practice, and therefore, I suppose, it will remain as heretofore.

Mr. GREEN. The honorable Senator from Mississippi does not understand my amendment, or else I do not understand his idea. It will be observed, by the reading of the amendment, that it says the increase shall not take effect until after the census. The present law still continues; the \$200,000 worth will be distributed upon the present ratio. It does not diminish that or postpone that; but the increase proposed of \$400,000 is to be postponed—how long? Till the census is taken. When will that be? By the 1st of October next, according to the instructions of the superintendent of the census; and before Congress meets next December, the Department will be prepared to make the distribution according to the present census of the eastern, western, northern, southern, and middle States.

The Senator asks, why postpone? I answer, this is just at the end of the decennial period. This is 1860, in the month of June. The marshals have commenced the process of taking the census. It is known to everybody that the western States have increased from thirty to seventy-five, and some of them to ninety per cent., in population. I have no doubt Illinois has one mil-

lion five hundred thousand inhabitants, and Missouri one million one hundred thousand; but on the basis of the census of 1850, Illinois would only have arms proportioned to a population of seven or eight hundred thousand, and Missouri six hundred While the older States have been decreasing, the new States have been increasing; and the next distribution ought to be in proportion to the population. When the emigrant goes from Massachusetts and settles in Illinois, he is not permitted to take his musket with him. It is State property, and must be left behind; and the proportion of muskets left behind in the old States, makes the arms there in proportion to population, greater now than before, for when the emigrant goes to a new State, he is compelled to leave his saber, his bayonet, his musket, his rifle, whatever arm he may have been equipped with. When he gets in that new State he finds it destitute of arms. Now, if any rule different from that of mathematical equation ought to prevail, it ought to prevail in favor of the new States, because the old States retain all their arms while they lose part of the population, and the new States have none of the old arms, but have an increased population with no means of increasing their arms. Hence I simply propose to let the \$200,000 appropriation go on under the existing law—not postpone it but postpone the increase of the arms under the \$400,000 appropriation until this census is completed.

Observe another thing in the language of the amendment. I do not say "until the apportionment is made"; I say "the census," according to the principles of the existing law, and they can make it before the 1st day of next December. Give the West, the growing, increasing, needy States, that to which they are justly entitled, without inflicting any harm or hardship on the older States. As for the kind of arms, I say simply that I desire

all the improvements as fast as they are made.

Mr. DAVIS. I concur entirely with all that my friend from Arkansas has offered of compliment to Captain Meigs; and I should, if the question of his merit were alone involved, be entirely ready to insert his name in the amendment, as was suggested, and thus to place the completion of the aqueduct under his charge. More than that, sir; I should be entirely willing to say that he was entitled, as a right resulting from good service, to put the last stone upon this Capitol extension, which he constructed, and from which I think he has been unjustly removed. But that suggestion presents a question of the legislative power of Congress. The President is, by the Constitution, the com-

mander-in-chief of the Army and Navy. The Congress cannot make details in either service; cannot designate the officer who shall perform any particular service, either in the Army or the Navy. They may, and through all the military legislation they do, indicate the class from which officers for particular duties are to be drawn. The quartermasters must be selected from the officers of the Army; the lowest in grade of that corps has the rank of a captain. The new appointee, therefore, must be selected from the lieutenants of the Army. I need not cite other cases; the legislation is full of them. You describe a class, but do not designate the individual. So you fix the point to which promotion in corps and regiments shall go by seniority, thus controlling the prerogative of promotion, and beyond that you confer on the Executive the power to make selections. All our military legislation is of this character.

The Committee on Finance, therefore, properly have described the character of the person who should be chosen, instead of naming the individual. They have fixed a rank, below which it was fair to assume the requisite experience in construction could not exist. The year 1846, I will inform my friend and colleague on the Committee on Military Affairs, is the most remote date at which any lieutenant of engineers was commissioned in the Army. Taking the ordinary age of first entry into the service. therefore, they could not be forty or fifty years of age while yet in the grade of lieutenant, nor have had more than fourteen years of experience in service. It requires, for the conduct of a great work like this, not only elementary instruction, knowledge of the principles of civil engineering, and the power to apply mathematics to the solution of problems arising in construction, but practice also-experience in administration, and a familiar knowledge of material, so as to be able to judge of it by the eye, as well as by the touch.

It seldom falls to an engineer to construct so great a work as this. There is no modern aqueduct to compare with it. There is, so far as I have learned, but one bridge which has ever been built with a greater span than that which bears the aqueduct across the chasm of Cabin John creek—the same to which my colleague referred—and that longer bridge was, by a barbarian hand, long since destroyed; so that this will be the bridge of greatest span in the world when it is finished. It required knowledge of material, practical skill, and high native endowment, to fit a man for such a construction as this.

From the preliminary survey, down through all the progress of this work, it has been entirely in the hands of Captain Meigs,

until last year, when Congress made provision to transfer the finished portion of the work to the Interior Department, and that part was placed under the control of another engineer. In making this transfer, things which were inseparable from their nature were assigned to separate direction and responsibility. It was an unwise division, unless the same engineer was still to retain the charge of both portions of the work; and, even in that case, it would seem to have been unnecessary, and could only have been productive of embarrassment. This amendment, as I understand it, is therefore not only a measure of economy, as far as expenditure is concerned, but it gives unity to the administration of a work which cannot be divided without impairing

efficiency.

I believe Congress have now, as they have manifested heretofore, the fullest confidence in Captain Meigs; but shall we therefore assume the executive function, and direct the President or the Secretary of War how he shall and shall not be employed? His health may fail; the interests of the public service may require him elsewhere; and of this the Executive must judge. But the Congress have a right to say so great a work as this aqueduct shall not fall into hands not believed by them to be competent, and with that view to attach conditions to their appropriation. As I read the description of the amendment, I do not believe it appropriate to more than one other officer in the engineer corps. There is, perhaps, one officer in the engineer corps beside the individual who has charge of the work, who might fulfill the terms of that amendment; but he can scarcely be regarded as now available for the duty. Therefore I do believe the amendment, in effect, describes Captain Meigs, and will vote for it because it does so. I vote for it as a tribute to integrity, to intelligence, to manly adherence to his conviction of duty, albeit in opposition to the power which was over him. I deem it but the reward due to an officer for services well performed, and an encouragement which it is proper the Government should render to every man who suffers by his independence in the performance of duty, and by his faithfulness to the public interest.

The effect of the amendment of the Committee on Finance extends, I think, as far as Congress can consistently go, to pay the compliment to Captain Meigs which my friend from Arkansas proposes. If I deemed it proper to use his name, then I should agree that his name should be inserted as a more distinct and

complimentary recognition.

As to the supposed reflection upon the War Department, I will only say my support could not be obtained to such a pur-

pose; and that, in my opinion, it can be no more a reflection upon the Department than to say an assistant quartermaster shall not be appointed except from lieutenants of the Army.

I choose to fetter every public officer by all the restraints, not inconsistent with his usefulness, which general legislation can throw around him. In the language of Mr. Jefferson, talk not to me of confidence in men; republican government rests not upon faith in the benevolence of rulers, but upon the wisdom of its laws. Freely recognize merit where it is specially exhibited; and by general legislation bind down all the agents of Government to the narrowest limits consistent with efficiency. Concurring in the avowed purpose and proposed means of the committee, I shall vote for the amendment as it was reported.

Mr. JOHNSON, of Arkansas. With reference to the question of economy, which the Senator has brought forward, I suggest to him that this question has nothing to do with that at all. All the economy that is secured by the amendment presented here is already secured amply and entirely; and Senators themselves will readily acknowledge that fact, I have no doubt, if they would speak of it at all in that light. My proposition is simply to strike out the words "not below the rank of captain." Now, I find, from information which I did not before possess, but which is now furnished by the Senator from Mississippi, and upon which I rely, that there are none others of the engineer corps than those appointed in 1846; and as by law they become captains after fourteen years' service, of course they are all captains.

Mr. DAVIS. Oh, no; I meant there were none below the grade of captain appointed before 1846; that all who are below the grade of captain were appointed subsequent to 1846, or a later date.

Remarks of Jefferson Davis on the legislative appropriation bill. June 13, 1860.

Mr. DAVIS. I do not know, Mr. President, what construction is given to the language which is here employed. If by the words "for any branch of expenditure than that for which it may be specially appropriated," it is meant that the appropriation for forage shall not be transferred to the account of transportation, or the reverse; that an appropriation for fuel and quarters must be kept distinct; that no part of the allowance for fuel may be transferred to quarters, or the reverse, it would be embarrassing to the Department. I will state a case which will, perhaps, present it as plainly as it is in my power

to do. You make an appropriation of a certain sum of money for forage, upon an estimate based upon the number of draught animals at the time in service. You make another appropriation for transportation, by an estimate based upon the amount of contracts existing at the time, or anticipated, for the transportation of public stores. In the course of the year it falls out that your contractors fail, and you are compelled to resort to the public transportation; that is, to the draught animals owned by the United States. The appropriation, then, upon the estimate which had been made for transportation would be in excess, and the appropriation upon the estimate made for forage would be in deficiency. The right to transfer from the one to the other is a mode of meeting contingencies which it is not in human foresight to anticipate. That is one of the cases. They are now very narrowly limited, by the act of 1820, to such transfers as it seems to me can never do harm. I do not think it would be proper to reduce it below the limit of the act of 1820, which provides, in the Army and the Navy, for a certain amount of transfer, and which I do not believe would be interfered with by this language; because "branch of expenditure," I take it, would relate to matters involved in the quartermaster's department for transportation, for quarters, for barracks, for rent of sites, &c. If it be otherwise, it certainly would embarrass the Government, and devolve upon Congress the necessity of making appropriations upon estimates framed to cover contingencies which may arise. but which it was expected would not arise; as, for instance, transportation for all the forage that would be required, if all the transportation was by public teams; and all the transportation which would be required, if none of it was by public teams; thus making double appropriations. The act of 1820 provides that no contract shall be made except under a law authorizing it, or under an appropriation adequate to its fulfillment, except contracts for subsistence and clothing of the Army and Navy. It goes on:

"The President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the military department, namely: for the subsistence of the Army, for forage, for the medical and hospital department, for the quartermaster's department, to be applied to any other of the above mentioned branches of expenditure in the same department; and that the President shall be also further authorized to direct a portion of the moneys appropriated for any of the following branches of expenditure in the Navy Department, namely: for provisions, for medicine and hospital

stores, for repairs of vessels, for clothing, to be applied to any other of the above-mentioned branches of expenditure in the same Department."

Mr. GRIMES. Is that the act of 1842, which is proposed to be

repealed by this section?

Mr. DAVIS. No, sir; this is the act of May 1, 1820, which limits the amount of transfer and the extent to which transfers may be made to those subjects, which are so connected together that the swelling of one is the diminution of the other, where the transfers are properly made, if the estimates do properly cover the wants of the current year. Within that limitation I should be sorry to see the right of transfer taken away. Beyond that, I should be sorry to see it permitted.

Mr. KING. I understand that the law now authorizes a transfer of an appropriation from one purpose to another. The bill, as it comes from the House, repeals that authority; and it is now proposed to strike out that repealing clause. I said the other day that I understood this authority to use money appropriated for one purpose, by transfer, to another, existed in the Departments, and I think that power has been abused. I think the amendment ought not to prevail, and that the authority to transfer appropriations from one purpose to another ought not to exist. A practice has grown up here to use public money in that way in the Executive Departments. I think where appropriations have been made by Congress, and the use of money directed, it is the duty of the Executive Departments to execute the law, and not to interpose their discretion and use the money for other purposes.

Mr. DAVIS. The Senator speaks of abuses in transfer. I should like to know whether he means abuses under the act of

1820, or outside of it?

Mr. KING. I mean by the practice of the Departments under

the laws as they exist, whether inside or outside.

Mr. DAVIS. I do not know about any such practice. I think it would be but fair to the Senate, if the abuse exists, that we should have some means of ascertaining it, so that, if the law is wrong, we can correct it.

Mr. King. The object of the bill coming from the House is to correct the law—to take away this authority. There is one case I can cite to the Senator from Mississippi. We had, some years ago, an act of Congress appropriating money to build a post office and court-house at the village in which I reside; not only appropriating the money to do it, but in terms directing the Sec-

retary of the Treasury to construct the building; but nothing has been done.

Mr. DAVIS. That was not a transfer of an appropriation. That was a failure to erect a building.

Mr. King. What became of the money that was appropriated?

It went to something else.

Mr. DAVIS. No; nobody can take money out of the Treasury except by an appropriation made by law; and if the money was not in the Treasury, of course, it could not have been taken out. If it was taken out for anything else, it was taken out under some other appropriation, I apprehend.

Later.

Mr. DAVIS. I wish to offer an amendment to the bill, and I will console my friend from Virginia by assuring him that it does not involve the expenditure of any money:

And be it further enacted, That all purchases and contracts for supplies or services in any of the departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. No arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such patented invention.

That is supplemental to existing legislation, and I think it will perfect the restrictions now imposed upon contracts made for public supplies. It also introduces a new feature, that of preventing the purchase of patents from individuals for public use, unless Congress shall first make an appropriation for the purpose. ["All right."]

The amendment was agreed to.

Mr. GRIMES. I have an amendment to offer as a new section:

And be it further enacted, That so much of the eighth section of an act, entitled "An act making appropriations for the support of the Army, for the year ending the 30th of June, 1856, and for other purposes," approved March 3, 1855, as authorizes the appointment of a brigadier general, be, and the same is hereby, repealed; and that all laws requiring that the Quartermaster General of the Army be of the rank and entitled to the pay of a brigadier general be, and the same are hereby, repealed.

Mr. DAVIS. I think that had better be explained.

Mr. HUNTER. I ask the Senator from Iowa if he thinks that is legislation appropriate to this bill?

Mr. GRIMES. The law that it proposes to repeal was in a general appropriation bill for military purposes.

Mr. HUNTER. That was a military bill. This is a bill for legislative and judicial expenses.

Mr. GRIMES. I do not profess to be familiar with the rules of the Senate, if, indeed, there are any rules.

Mr. HUNTER. I do not say there is any rule against it; but it is a question of congruity—whether it is a proper species of legislation.

Mr. GRIMES. If the military bill had not passed, perhaps that would be the more appropriate bill to which to attach it; but I propose to offer it to this bill, and I hope it will receive the support, at any rate, of some of the Senators who have seen fit to denounce the gentlemen on this side of the Senate, this evening, as being exceedingly profligate in the expenditure of the public money, for that is a proposition to save a little to the public Treasury, and I hope, especially, that we shall receive the support of the Senator from Georgia.

Under the law of 1846, the President was authorized to appoint two additional brigadier generals. I believe that up to that time there were but two; one of them was General Jesup, the distinguished general who has just died, and who for a long time previous, and up to the time of his death, had been at the head of the Quartermaster General's department; and the other, I think, was General Wool. The President was at that time authorized to appoint two brigadiers general. In 1855, if I remember rightly, by the law that is specified in the amendment which I propose, the President was authorized to appoint an additional brigadier general. It was alleged that it was necessary there

should be three brigadier generals to perform active duties as brigadiers in addition to the one who was at the head of the quartermaster's department. They were unwilling to remove General Jesup, on account of his efficiency and distinguished public service, from that position, and put him on active duty elsewhere. It was thought, I believe, that he was well qualified for that position, and could do greater justice to the country by duty in that particular position than in any other. General Jesup is now dead. There is no necessity, I apprehend, for the continuance of a brigadier general in charge of the quartermaster's department. There is no such officer in charge of the commissary department, there is no such officer in charge of the pay department, there is no such officer in charge of the ordnance department; and I have never been able to discover, so far as I have heard or read, that there was necessity for any such officer in connection with the quartermaster's department. At any rate. I want an opportunity to record my vote in favor of the abolition of one military officer.

Mr. DAVIS. Mr. President, I have been repeatedly struck with the accuracy of view taken by the Senator from Iowa upon military questions. I think in principles he is usually correct; but I think in detail he requires yet to obtain a good deal of information. He is certainly in error in the present instance in error as to historical facts. Upon the organization of the Army, after its reduction upon what was called the peace establishment after the war of 1812, we adopted the basis of one major general and two brigadiers of the line. The Quartermaster General was also made a brigadier general. So it continued, until the late act, to which the Senator refers, for the addition of a brigadier general. We should have a brigadier general for each distinct military department. That would require more than we now have; not less. We now have three. We have not for a long time had less than five departments. This results, as a necessity, in taking a colonel from the head of his regiment to command a military department, separating the head of the regiment from the control of it to act as a general under his brevet. It saves no money. The expenditure is the same as if you had a number of brigadier generals equal to the number of military departments. The loss is, that the colonel is taken from the head of his regiment.

The last clause of the amendment offered assumes that a brigadier general need not be at the head of the quartermaster's department; it seems to me entirely appropriate that the officer who has charge of disbursements, equal to about one half of all the appropriations for the Army, should be appointed by selection. If he be a colonel, he reaches that grade by seniority; and if by mere seniority he is to succeed to all the power of disbursing one half of the appropriations for the Army, I think it is not difficult to foresee circumstances under which great hazard to the public Treasury might arise. The benefit of the Quartermaster General being a brigadier general is that he must be selected: he does not reach that grade by promotion; and thus we should be secure of one who is competent for the high trust which devolves upon that station. So far as a compliment was conveyed in the conferring of that rank upon General Jesup, now dead, there is no man who knew him living who will not say that he richly deserved it; yes, and more than deserved it—a man who illustrated the page of his country's history by as much of gallantry as any soldier that ever wore sword; as much integrity as any man that ever held a public office; and as much of the chivalrous delicacy of the gentleman as ever graced an honorable man. But it is apart from any personal consideration that I hope that the Senate will view this question. It is whether you are to put into the hands of an individual the disbursement of some seven or eight million dollars in time of peace, and perhaps three or four times that amount in time of war, who has reached his office by simply outliving those who were above him, or whether it shall be by a selection made by the President and confirmed by the Senate. Thus alone can we be sure of one worthy to possess the great power which devolves on the head of the quartermaster's department. I think it is eminently fit that that officer should be chosen, and have a grade which can only be reached by selection, of the appointing power and confirmation of the Senate.

Mr. GRIMES. The Senator from Mississippi did not understand me as casting any reflection on the memory of General Jesup?

Mr. DAVIS. No, sir.

Mr. GRIMES. I appreciate as highly as that Senator, and as highly as any other man, the distinguished bravery and worth, in every regard, of that general. I believe the principal argument assigned by the honorable Senator from Mississippi in favor of the continuance of the present system—that is to say, of having a brigadier general at the head of the quartermaster's department—is, that the man who disburses such enormous sums of money should be one who had had that office conferred on him by presidential appointment, rather than reached it by regular gradations of rank. Let me ask the Senator, then, why the same

reasoning does not apply to the Paymaster General? I do not know how much he disburses—I do not pretend to know; but I apprehend that there is a very large amount of money that passes through the hands of the Paymaster General; yet he only has the lineal rank of Colonel. You have a very large amount of money that passes through the hands of the Commissary General; yet he has only the lineal rank of colonel. I cannot see, therefore, the force of the argument urged by the Senator from Mississippi. It is a question with which, I confess, I am not as well prepared to grapple as that Senator. I have not given much reflection to it; but I thought that now, when we were upon the subject of retrenchment and reform, and when we were challenged to produce at least one example of an effort at retrenchment and reform in the public expenses, here would be a good opportunity to test the question.

Mr. TOOMBS. I have no doubt that the honorable Senator from Mississippi is right about this amendment. I think it ought to be done; but I do think we owe it to ourselves and the country to stop this practice of legislating in this way. The idea of adding on military bills to the legislative and judicial appropriation bill is a matter that ought not to be tolerated by the Senate. I should think that the proposition the Senator from Mississippi makes is a good proposition, but I cannot consent to embarrass the operations of the country for that, six days before the adjournment, on a bill to which it is in no sense germane. The

committee kept us four or five days—

Mr. DAVIS. It is not my proposition.

Mr. TOOMBS. The Senator advocated it, and I supposed he offered it.

Mr. DAVIS. No; the Senator is entirely mistaken. I am opposing the amendment.

Mr. TOOMBS. I thought you were attempting to put it on this bill.

Mr. DAVIS. No; not at all. I am trying to keep it off.

Mr. TOOMBS. Then I am with you. I agree in your opinions, and thought it was your amendment; but I say I want no amendment of any sort of this kind on this bill. I do not want anything about the Army on the legislative and judicial bill.

Mr. GRIMES. Do I understand the Senator to say that he agrees with the Senator from Mississippi in his opinion that this officer should be continued?

Mr. TOOMBS. Yes, sir.

Mr. DAVIS. In one word I wish to reply to the Senator from Iowa, so as to remove an objection in his mind.

Mr. FESSENDEN. Before making that reply, will the Senator allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. What is the difficulty in selecting the Quartermaster General precisely in the manner the Senator says, without having a man holding the rank of brigadier general? Can be not be selected from among the colonels, or from any other grade, just as well, and be confirmed by the Senate?

Mr. DAVIS. I will answer the Senator. Promotion in the quartermaster's department, as in any corps or regiment of the Army, goes by seniority up to the grade of colonel; but the Quartermaster General is a brigadier general, and under the laws of the United States, and the regulations of the Army, is taken by selection, like all other generals. He is by selection merely because he has the rank of general. If he had the rank of colonel, he would be by promotion. That is the answer.

Mr. FESSENDEN. Not necessarily, as I understand it.

Mr. DAVIS. Necessarily. The Senator from Iowa asked me a question in relation to the Paymaster General. The Paymaster General has but a very small amount to disburse compared with the Quartermaster General, and it is disbursed under laws which are fixed; it passes into the hands of the deputies, and the Paymaster General is, in fact, but the head of an office which settles the accounts. The Quartermaster General necessarily has large discretion, makes extensive contracts and disbursements involving millions of dollars, the location and exact character of which cannot be anticipated. The Paymaster General's duties are so simple that I have long considered that the office was unnecessary, and that the whole Paymaster General's corps might be swallowed up in the Quartermaster General's department without scarcely increasing its labors. The amendment is one of the Senator from Iowa to change existing laws, and I am insisting that the law shall stand as it is.

Mr. TOOMBS. I am with you on that.

Mr. GRIMES called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Anthony, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Grimes, Hamlin, Harlan, King, Rice, Sumner, Ten Eyck, Trumbull, Wilkinson, and Wilson—21.

NAYS—Messrs. Bayard, Bigler, Bright, Brown, Chesnut,

NAYS—Messrs. Bayard, Bigler, Bright, Brown, Chesnut, Clingman, Davis, Fitch, Fitzpatrick, Gwin, Hemphill, Hunter, Iverson, Johnson of Tennessee, Lane, Latham, Mallory, Nicholson, Pearce, Polk, Powell, Pugh, Saulsbury, Slidell, Toombs, and Wigfall—26.

So the amendment was rejected.

Remarks on the legislative appropriation bill. June 14, 1860.

Mr. DAVIS. Mr. President, this tribe of Indians—the Choctaws-once inhabited what is now the most densely-populated part of Mississippi. I have known them from my earliest days. I may say of them that they were peaceful neighbors and faithful allies of the whites. They never committed trespass or violence upon the white man; who passed through on the traces leading across the Choctaw nation, annually, in large numbers. The sick received shelter and care in the houses of the Indians, and there is no record of murder or robbery having been committed by them upon any of the wayfarers, however long they lingered. In one or two campaigns they united with us as allies; but they were most marked for their peaceful habits, their proclivity to agriculture, the quiet with which they preserved their homes. They soon progressed to something like a semi-civilized condition—established schools among them, a rigid police, and were remarkable for the morality and propriety of their conduct in all the relations of life. When they were removed from the State of Mississippi, our legislation took a kind regard for them, and those who chose to part with their tribal character were recognized as citizens of the State; and one of the tribe—a half-breed, it is true—who remained as a citizen of Mississippi, was subsequently a member of our Legislature. This marks the character of the people, and the estimation in which they are held.

So far, then, as any consideration of kindness, or of obligation growing out of past relations, is concerned. I think they hold the front rank. But we have to regard this merely as a question of justice. Do we owe them anything—if anything, how much? They have been suitors for many years; their claim has been postponed from year to year with evil consequences to the nation, and its prompt settlement is due as well to them as to ourselves. The subject has been submitted to the Department, it being understood beforehand as well as it is now that this was no place to adjust an account; no place to strike a balance between claims and payments. The Department has made its report. I think the chairman of the committee, in the amendment he

offers, inserts an amount exceeding that which, upon the report before us, is found to be due; and the Senator from New Hampshire, in the note which he read at the closing page of the table reporting payment, stated exactly that sum which the award covers; and the amendment ought to be changed so as to strike out the sum stated, and insert \$1,851,247.30.

I do not know whether it is judicious to put the amendment in this bill or not. I would prefer, as a general rule, that all appropriations of such magnitude as this should be considered separately. I recognize the force of the objection which has been stated in that respect, but for years past I have been anxious that this matter should be considered. I have from time to time, and, I fear, even to the extent of being considered indelicate, pressed upon the chairman of the Committee on Indian Affairs the presentation of this subject to the Senate, in order that it might be adjusted. I feel that it is of vital importance to the Indians that this question should be settled, and that they should no longer be standing at the door of the Capitol of the United States begging that justice to which they have so great a claim. I move to amend the amendment by striking out "\$2,332,560.85," and inserting "\$1,851,247.30."

Mr. PUGH. If the Senator from Mississippi will add a proviso that that part of the claim which he deducts, the \$1,130,000, may lie over for further consideration, I think it would be a proper compromise, although I am satisfied that it is not a proper set-off. Still it may lie over to be considered. The \$1,800,000 seems not to be doubted by any person who has examined it, and I think the other is just as clear; but that may lie over.

Mr. DAVIS. One of my principal objects is to have a final settlement; to let these Indians feel that they are no longer suitors before the United States, but leave them to carve out their own destiny. It is giving them less than is stated in the amendment of the chairman of the Committee on Indian Affairs, but I think it is giving them what is contained in the report of the Department. I think it is the award; and whatever is given to them I want it to be a final settlement, that the Indians may no longer be begging from Congress.

Remarks of Jefferson Davis on the Army appropriation bill. June 15, 1860.

Mr. DAVIS. I waited until the first amendment was completed, in the hope that the Senator from Illinois would see how

great an error he had fallen into. He insists upon considering the amendments of the House separately. If this were an original proposition; if we were now about to make appropriations: if this was the first knowledge, as the Senator alleges in his own case, which the Senate had of it, then there might be something in the objection. But it is to be remembered that the Senate have acted on all these cases, and they are to be presumed to have had some information before they sent the bill to the House. If the House had other information, it seems to me that the only way we could arrive at the facts on which the House made the amendment, if they are not patent, is to go into a conference with them, and there learn what reasons have actuated their proceedings. I waited to hear what would be said on the amendment in which the Senate has just non-concurred. I heard, among the things which were retained, an object which was estimated for, but which subsequent events have shown us will probably require no appropriation at all. The Senate had wisely left this matter to the executive branch of the Govern-They had given an amount of money, based upon estimates in detail. These estimates were made, so far as they could be foreseen, to meet the contingencies of service. It was then supposed that we should have to maintain a garrison at Camp Cooper, and an estimate was made on that basis; but the Senate did not attempt to tie the appropriation down to the particular locality, foreseeing, as every deliberative body should have foreseen, that, if the garrison was moved from that point, it would entail expenditure somewhere else, and that the Government was not to be crippled in its movements by appropriating money for a specific point, but wisely appropriate it for one great object—the public defense. Since the time that estimate was made, since that item was incorporated in a general sum, it has been found probably unnecessary to occupy that post longer as a garrison, and we have been notified that that amount would probably not be required to be expended; yet that is reserved. whilst the whole sum is reduced. That is reserved as one of the cherished items, and sent back enumerated here for appropria-Now they propose to reduce the appropriation for the reconstruction of the stable, which has been recently destroyed by fire, one half; that is to say, one half the sum of the estimate, which included all the material on hand, was found to be necessary to reconstruct the stable. The effect will be to put up the walls, perhaps, and leave it without any covering to protect it. If you choose to have no stable at Carlisle barracks, strike out the whole appropriation. If you choose to have one at all, make

an appropriation adequate to put it up, not eke it out in two years of appropriation, increasing the final expenditure; allowing the work done in one year to go more or less out of repair before another appropriation comes to complete it; as it were, to put a roof on it and put stalls into it, so that it can be occupied. The House of Representatives are wrong, palpably wrong. They should either have stricken out the \$8,050, or they should have left it in. If they do not want the stable, they should strike out the whole appropriation. If they do want the stable, they should give the amount of the estimate.

Mr. FESSENDEN. The Senate appropriated the amount of the estimate, \$8,050, and the House has cut it down to \$4,050. My friend from Illinois moves to concur with the amendment of the House. He can only do so, of course, upon information and knowledge of the facts; and I should like to ask him what knowledge he has upon which he makes the motion?

Mr. TRUMBULL. I shall be very happy to answer both the Senator from Maine and the Senator from Mississippi. I believe the expenditures of this Government are double what they ought to be. I know that they have been more than doubled in the last eight years. The expenses now are twice what they used to be. The expenses of your Army are more than the expenditures of the whole Government were some thirty years ago. Whenever two bodies of equal intelligence report to me two different sums for a specific work, about which I have no particular knowledge, I vote for the lesser sum. That is the principle upon which I act. I have as much confidence in the House of Representatives, and in the committees of the House of Representatives, about this matter, as I have in the committees of the Senate. I know that the House is making a struggle to reduce the extravagant and profligate expenditures of the Government; I know that the Senate has added millions upon millions to the appropriation bills beyond what the House believed to be necessary; and when I find that for a specific object the Senate has made an appropriation of \$8,000, which the House on consideration has refused to agree to, and has reduced to \$4,000, I prefer, unless some reason is given why the \$4,000 is not enough, to take the smaller sum. That is satisfactory to me, though it may not be to the Senator from Maine.

That is the reason why I am for concurring with the House in regard to this amendment. We have received no information except general declamation. The Senator from Mississippi tells us that if we want to put up the walls and leave the building uncovered, perhaps \$4,000 will do. Does not the Senator know

that \$4,000 will build a stable and inclose it? Must it necessarily cost \$8,000? I pretend to no specific knowledge about it. I base my action upon the action of the House of Representatives, which has considered our amendment, and, for reasons satisfactory to itself, reduced the amount—a body having equal knowledge with the Senate of what is a necessary appropriation for this purpose. I know very well that \$4,000 will build a stable, inclose it, and put a roof on it. I know that \$8,000 would build a more extravagant one. I know that \$500,000 would build a custom-house at Charleston that would answer all the purposes of the Government. I know that the Government has undertaken to build one which is to cost \$4,000,000, which I think a very extravagant and wasteful expenditure of money; and unless some reason is given other than that \$4,000 will only put up the walls and leave the building uncovered, I think we

had better adopt the amendment of the House.

Mr. DAVIS. The Senator from Illinois informs us that he has no information on the subject: and I believe it. He says the House has the same amount, and they exhibit it in the amendment. He says, however, that whenever two sums are presented, he votes for the smaller. That is to say, his principle is measured by dollars and cents; and even his history does not sustain him in that. He just moved to non-concur in an amendment where the sum was reduced. I cannot follow such devious winding as this. I gave him the information that the estimate had been sent here showing what the amount was. If he will look at it, he will find the brick, the nails, everything specified by items, and the prices set opposite to each. Now, if the Senator wanted to reduce the price, he should have shown that the market was going to fall, or that he could buy the bricks and nails and plank cheaper than the estimate of the Quartermaster General. He talks about building a stable of finer finish and more splendid than another. That is not the question; it is a question of size size determined by the use to which it is to be applied. had gone to the estimate for his information, and announced that brick were to be got cheaper, or that it required fewer brick: that it required fewer nails; or that nails were to be got cheaper: or that it would take less plank than was proposed in the estimate, there might have been something in it; but this vague declamation about increased expenditures, and about economy, by a man who does not pretend to lay his finger on an item, or when he does, cannot vindicate his objection, is the emptiest declamation upon which the Senate was ever harangued. He selects a little item, the estimates for which are before the body,

which he had only to read to know how every cent was to be appropriated, and announces, as a great measure of economy, that here is a proposition to take a smaller sum than that estimated for by specific items, and he considers it proper, as a legislator, to adopt the smaller sum. Then, why not strike it all out? A particular thing is asked for; a specific estimate is sent in to cover it. If the estimate is rejected in half, why not reject it in whole? Examination of the facts on which it rests may have been made by the House; they may have chosen to reduce the cavalry depot to one half, and therefore to require one half that amount of stable. If that be the reason on which the House acted, the Senate can only learn it by conferring with them through an appropriate committee. The Senator from Virginia made the proper motion—the motion which would enable the Senate to proceed rapidly to the execution of its purpose—to learn from the House why it had objected to the amendments the Senate had made. Then it would be for the Senate to decide. after they received the information through their committee of conference, as to the final action on the proposition.

The motion to concur in the amendment of the House was not agreed to.

The Secretary read the fifty-second amendment of the Senate, as follows:

And be it further enacted, That each candidate, when admitted into the Military Academy as a cadet, under the qualifications now required, who shall make application for advancement to a class that has passed through the course of study prescribed for the first, the first two, or first three years, and who, upon examination by the academic board, shall be found proficient in the academic course prescribed for the first, the first two, or the first three years, may be advanced to such class.

The House amendment was to strike out all after the word "enacted," and in lieu thereof insert:

That the term of study of cadets in the Military Academy at West Point shall be four years, and no more.

Mr. DAVIS. I move that the Senate do not concur in the amendment.

The motion was agreed to—ayes twenty-five, noes not counted; and the House amendment was non-concurred in.

The Secretary read the fifty-third amendment of the Senate, which was to add to the bill as an additional section:

And be it further enacted, That the lot of land in the city of San Antonio, Texas, donated to the United States on the 5th day of March, 1857, as a site for an arsenal and barracks, but for which it has been found to be unsuitable, be, and the same is, reconveyed to the said city of San Antonio.

The amendment of the House was to strike out the word "donate," and insert "given."

Mr. PEARCE. I move that the Senate concur in that amendment.

The motion was agreed to.

Mr. PEARCE. Our amendments, to which the House made amendments, having been disposed of, I now move that the Senate insist on their other amendments, including those which they have already determined to insist upon; and ask for a conference on the disagreeing votes of the Houses.

Mr. RICE. I desire to ask whether the Senate has taken action on the sixth amendment, in which the House did not concur?

The VICE PRESIDENT. The Chair is informed that it was an amendment to which the House disagreed.

Mr. PEARCE. It is included in my motion.

Mr. RICE. I am satisfied.

The motion was agreed to.

On motion of Mr. PEARCE, the Vice President was authorized to appoint the committee of conference on the part of the Senate; and Mr. Pearce, Mr. Davis, and Mr. Foot were appointed.

Remarks of Jefferson Davis on the naval appropriation bill. June 18, 1860.

Mr. DAVIS. Mr. President, the Senator from New York, who has just taken his seat, argues in favor of this proposition because it is a step in the right direction. I more nearly concur with the views of the Senator from Rhode Island. Indeed, so far as he argued the question as one of humanity, I think his proposition is demonstrable that it is far better, having the Africans on the coast of the United States, to turn them over to Christian teachers, here to be instructed how to labor, here to be instructed how to worship, and at some future time to be returned to their original homes, than to send them back among barbarians, or to send them back to negro masters in the colony of Liberia. Not only is it true, as was stated by the chairman of

the Committee on Naval Affairs, that the Liberian colonists will not receive these wild Africans among them unless some one is surety for their support for a year, but it is equally true that these poor wretches, who have been turned over to the tender mercies of liberated negroes, are excluded from all participation in the benefits which they enjoy. They are not permitted to go into their churches; they are not received into their schools; they are hitched to the cart and compelled to drag burdens like oxen; and the plea which has been made for not using the oxen furnished to them was, that if the oxen were worked in the sun in that climate they would die, and therefore they kill them and eat them before that sad catastrophe should arrive! Far better, I say, in a humanitarian point of view, adopt the policy of the Senator from Rhode Island. As a question of policy, I would agree with him they should not be turned loose in those States where, as he says, the people are not entirely opposed to the introduction of Africans. We do not want them there: but if they must be brought into the United States, turn them loose among those who claim that there is no distinction of color and no distinction of race. Let them have them to their hearts' content. If they have public schools, if they have public charities, and are willing to receive these wild Africans and educate them, and live with them on terms of perfect equality, it is their business, not mine. As a matter of policy, we do not want them among us; and so far from it being true, as was urged by the Senator from Massachusetts, upon authority which I have no doubt has deceived him-I do not at all accuse him of a wish to misrepresent—that there is a purpose to inaugurate the slave trade and to revive it, he should understand that the laws of Mississippi forbid it, apart from and above all Federal legislation, and that we stand by our municipal laws, and prefer that you should keep your hands off. I would also tell him that when some persons, probably instigated by hostility to the Federal legislation, endeavored at a recent period to have that law repealed, they met with no support in the Legislature of the State. It is not our policy; it is not the policy of any of the southern States. Nay, more, sir, they led the van of those who moved for the abrogation of the African slave trade. The first difficulty between Virginia and the Federal Government grew out of the fact that the Federal Government authorized the slave-traders to bring their vessels into the ports of Virginia, when the Virginia laws forbade it. But two of the southern States at the formation of the Union desired to continue the trade. It was the mercantile States that were benefited by it. They desired to continue it for their commercial advantage. In these days, I suppose, if a body of men were to assemble together and enact such a fundamental law as the Constitution of the United States, they would be styled the manufacturers of a slave code; for the Constitution of the United States recognized this character of property, and provided for continuing this very trade for twenty years after its adoption. If it were new, and were enacted to-day, it would be denounced as a slave code.

We do not admit that the Federal legislation is sound upon the subject. We deny that the Federal Congress ever had the power to declare an offense to be piracy. Their power "to define and punish piracies" was given in the Constitution, not to create a crime, not to make that piracy which was not so before, but to define what piracy was, and provide for its punishment. The act of 1820 meets with opposition, because it is believed by many, and myself among them, to be unconstitutional. With the laws for the prohibition of the African slave trade, which preëxisted that, you can find juries anywhere to convict. My judgment is, that a well-informed judge of a circuit court that should go into any port of the United States to try for the infraction of the slave-trade laws, would rather rest his case upon the laws which

preceded than that which declared it to be piracy.

But, sir, I go further. I say that humanity had nothing to do with the declaration against the continuance of the slave trade. If we had considered the purposes of humanity alone, we should have continued it indefinitely. As to the interest of the African, it is his interest to be brought from a barbarian master and turned over to such Christian government as he will find in this country. Cared for in all his physical wants, cultivated to as high an intellectual standard as he can reach, he has attained, in the condition of slavery in the United States an elevation which that race has had nowhere else, and from which they commence to descend as soon as they are left to themselves; for it will be recollected that the colony of Liberia has been formed by those Africans that had been trained in this country and taken for their peculiar good qualities. A master dying, with a large number of slaves, selected, say twenty or a hundred of those who had been most true to him; of those who he believed were most able to take care of themselves; emancipated them, and provided them the means to go and make a settlement in the colony of Liberia. Mississippi has done more in this regard than any State in the Union. And yet, sir, these slaves, thus trained and thus selected from the mass of their class, have been known to be regularly retrograding from the time they landed on the coast. But one colony is said to have been able to provide for itself, and that was a colony of negroes whom I knew well—their master a man of remarkable accomplishments, who had trained them to the highest grade, perhaps, to which they could attain, and left it to them, as his last request, that they should adhere together, remain a band wherever they went, make a common fortune with each other; and by this adherence together and this refusal to mingle with negroes brought from other places, and thus alone, have they been able to maintain themselves.

I say, then, sir, it was not humanity, but it was policy. We did not choose that our country should be overrun with the African race. We chose that the white men should own this country; that the negroes be permitted as laborers among them to such numbers as the interests and wishes of the whites might dictate; but that policy required that the trade should be closed, because we believed we had already obtained nearly as many as it was desirable to have, and that we would guard against the future by preventing that influx which avarice might dictate. It was, therefore, policy, and sound policy, which, for one, I have no disposition to discontinue.

Now I proceed to consider the remarks which were made about acquittals by juries. Where a man is arraigned and put on trial for his life for that which the jury does not consider a crime against the laws of nature, the leaning is apt to be in favor of the prisoner. A law which, in the minds of men, transcends the degree of the offense will always find in the breast of the jury a desire to acquit; and therefore the Senator from New York admitted this morning that there never had been a conviction under that law. I do not believe there ever will be; for the moment you get out of the region where men consider it no offense to buy an African slave and sell him to another, you get into the region where sentimentality has run ahead of common sense, and where you may easily empanel a jury that will decide that a man's life should not be sacrificed for any crime. This sentimentality has gone to the extent that a man is not allowed to be executed for killing his brother. Will such juries, then, execute a man because he is engaged in a trade older than human history?

With this view of the case, gentlemen will not be surprised when I say to them that I am in favor of giving notice and annulling that clause of the treaty which requires us to keep a squadron on the coast of Africa. It was our policy not to allow slaves to be imported into the United States, and our laws followed our policy. So far, so good. Let us execute them; let us

not allow slaves to be imported into the United States; but what business have we with the domestic policy of other countries? What right have we to say whether Spain shall import Africans into her colonies or not? What right have we to say what trade may exist between the coast of Brazil and the coast of Africa? We never had any right thus to interfere; and it was but following in the footsteps, and in obedience to the demands of Great Britain, in 1814 and 1815, that we ever became thus involved in such a policy. It was an abandonment of the right which we had asserted and maintained, to repel every claim to visit American vessels and to search vessels bearing our flag, when in 1842 we agreed that if Great Britain would not visit and search our ships on the coast of Africa, we would keep a squadron of eighty guns there to execute her laws; thus tamely surrendering to Great Britain her right to hold the police of the seas. France had a similar treaty. France, however, with that logic which belongs peculiarly to the French mind, soon reached the conclusion that it was an alliance which was unfavorable to her and not respectful to her dignity as a nation. Her treaty ran, ten years and renewal. At the expiration of the ten years, she would not renew it; and France now keeps no vessel on the coast of Africa, as she has declared, save for the protection of her own commerce against the insults and interference of Great Britain.

That is the policy which I would pursue. Instead of building little cock-boats, and sending them to prowl around the rivers and hunt up the barracoons, I would send frigates or ships of the line worthy to vindicate the right of the American flag and to teach Great Britain what our construction is of the right of visitation and search. If a man fits out his vessel to engage in an illicit trade between Africa and Cuba, he does it at his risk against the laws of other countries, but he commits no infraction of any law which I consider it our duty to enact. It is our duty to enact laws to prevent the introduction of Africans into the United States, and there I think our duty terminates.

That this opinion is not exclusively American, and certainly not mine, I will cite British authority to sustain the same view, and from the best minds of England. In 1845 and 1846, the then Lord Stanley, and since Earl of Derby, on the question of the recruitment of Africans "was able to resist it simply on the ground that it was premature, and might excite the suspicions of the Powers which were engaged with England in the suppression of the slave trade." It was at that time, in 1846, that Mr. Hume proposed the suppression of the squadrons on the coast of Africa, "which had been found so utterly inefficient in

stopping the slave trade, and the organization of a system of ransom, which might break down the traffic in the places where it was carried on.' Sir Robert Peel sustained Mr. Hume, saying, "give all the encouragement in your power to the immigration of laborers, and pay no attention to imputations which you know to be unfounded.' This is extracted from the Revue des Deux Mondes, of the 1st of January, 1858, page 96. The State of Rhode Island sent a memorial to Congress in 1851, and I shall read two paragraphs from that; and here I will say that the first name upon that memorial is that of the honorable Senator from Rhode Island, the then Governor of the State, Hon. Henry B. Anthony. This memorial says:

"We would respectfully remind you that all attempts to suppress this diabolical traffic through force of arms have ever signally failed, and that the blockade of the slave coasts by the fleets of Great Britain, the United States, and France combined, at an expense of more than one hundred million dollars and the sacrifice of many lives, has resulted in a great aggravation of the evil, instead of promoting its suppression."

They further state:

"We would respectfully refer you to a fact which has now become unquestionable, established as such by the results of experience, that that part of the western coast of Africa which ever has been and is now frequented by slavers cannot be settled by whites; the climate being deadly to their constitution, though friendly to that of the colored man."

The memorial then states as its remedy the colonization of the coast of Africa by the colored race—free negroes of the United States; and refers to the colony of Liberia as having broken up the slave trade throughout the extent of its coast.

Then, sir, on the very best authority of England, and on a memorial presented by a State of our Union, we find that the policy has failed, and the conclusion announced, as resulting from the experience which was offered, that all attempts by force were futile and had better be abandoned, and it was the sacrifice of the lives of our seamen and only helped to increase the trade itself. If it has not diminished the trade in numbers, it has increased it in severity. The slave-trader now lies in wait until the cruisers are out of sight. When the signal fires inform him that he can then bring from the barracoons to his vessel the number of slaves on which he has previously agreed, they are

shipped in the night, and in the morning he is gone from the coast, and the only chance is for the cruiser to pursue him and capture him on the high seas. The system of cruisers along the coast, coupled as it is with the frequent necessity of withdrawing them, going off from stations where they watch the barracoons, to others where they take in water—for it is not at every place that they dare take it in, the health of the crew requiring them not to take in water at the mouths of particular rivers—leaves opportunities, which opportunities the profits of the trade have been able thus far always to make available to those who engage in it. Each country, and each country for itself, must execute those laws which break down the trade.

There is now on the face of the globe but one country in which the trade is carried on, that being the colonies of Spain, consisting of the islands of Cuba and Porto Rico. The London Times, some years ago, referred to this, and, in what seemed to be at least a semi-official article, indicated it as the policy of those who really desired to break up the slave trade, that they should aid in the transfer of these islands to the United States, the acquisition of the islands being cotemporaneously the termination of the trade with every part of the world, for already it had been closed by the legislation of Brazil, which though it had been blockaded by the English fleets, had carried on the trade until an appeal was made from the Government to the people, and legislation was then obtained, and the Brazil slave trade ceased, ceased immediately on the enactment of the law by Brazil, which never had been checked by the interference of foreign Governments. Cuba and Porto Rico, so far as I am informed, alone does the African slave trade, eo nomine, now exist.

But there is something far worse; there is something which couples with that trade not only hypocrisy of the deepest dye, but the subjugation of a race which was never designed for that condition—the cooly—and the number of these which has been imported has increased, step by step, with each revolving year, since in the tropical colonies the British lost the African labor which was suited to them. I find, for instance, in the parliamentary papers, that, from 1847 to 1856, there had been introduced into the West Indies forty-seven thousand and sixty immigrants and liberated Africans, and into the Mauritius, ninety-seven thousand five hundred and forty-two, of whom the greater part were from the East Indies. These documents disclosed the horrible sufferings attendant on the transportation of the coolies, and an official report, in speaking of the mortality on board a British transport ship, says:

"Of five hundred embarked, only two hundred and two were landed;"-

and of another, that-

"One hundred and ten died by natural death and suicide."

It adds:

"What if it turns out that these were cargoes of veritable slaves, captured or kidnapped in the Bay of Bengal and the Bay of Hong Kong, instead of the Bight of Benin or Mozambique channel, and conveyed in British ships to the markets of Havana."

From fourteen to fifteen per cent. of mortality on board the ships is represented to be the most favorable, being that of the British licensed ships. What it is on the other is unknown, but it is certainly to be assumed that it is much greater.

Between 1834 and 1836, on the same authority, the parliamentary papers, it appears that not fewer than one hundred and seventy thousand coolies had been conveyed to the Mauritius: and, in 1856, no fewer than one hundred and thirty-four thousand remained. What, then, becomes of the hollow plea that they are apprenticed for a few years, and, at the expiration of the term, to be returned to their homes? These are not negroes: these are men so far civilized as to know the relations of kindred and to feel the affections of home. They are torn from these and reduced, under a mere fiction, to a state of slavery far more horrid than would be that of selling them for life; because, if they were sold for life, they would be coupled permanently with the interest of their owner, and that interest, if no better motive, would carefully provide for their wants and protect them in sickness. Not so with the apprentice, having a claim to be liberated in a few years. He costs little to his owner as a purchase, and he loses little by him if he dies,

I might continue these references, but it is unnecessary. Suffice it to say that the list of cases which has occurred attendant upon that species of trade shows suicide as the result of their being unfitted to the condition to which they are reduced. They rebel against a condition for which they are not designed; unlike the African, content with a change of masters, and growing fatter under better treatment. In one instance, to cite a single case, out of a cargo of two hundred, one hundred and thirty-two died during a voyage of one hundred and forty-nine days; and

in another, one hundred and twenty-two died, out of one hundred and seventy-five, during a voyage of one hundred and seventy-one days. Such are the horrors of that substitution which has been made for the African slave trade—the trade in the coolies of China.

In 1814 and 1815, after wars had been waged against what was called a spirit of propagandism in France, treaties were made among the great European Powers. France, it was said, was making war upon the hereditary monarchical institutions of Europe, and this spirit of innovation must be suppressed in France: that propagated into Europe, it would cover it with blood and anarchy. The great wars which convulsed Europe, and terminated in the overthrow of the first Napoleon, grew out of a design, or a plea at least, to put down propagandism. What right have we to dictate to the black prince on the coast of Africa, and the white king on the coast of southern America, whether they shall have a trade with each other, and whether one shall sell to the other the slaves in his own dominions? Is not this propagandism? Is it right that we should tax our own people, and send our own gallant seamen to that death from which a brave man shrinks most—by disease—upon a foreign coast, to carry out an idea of propagandism which, thus far, has produced nothing but suffering to the race, to benefit which it claims to be its object?

My own view of the case, therefore, Mr. President, is that, instead of giving money to build or to buy vessels to watch the coast of Africa, we ought to recall our squadron, terminate our treaty with Great Britain, and keep armed vessels on that coast to protect American commerce from the fraudulent interference which it has received at the hands of British cruisers under the plea of suppressing the slave trade under our law declaring it to be piracy. In the neighborhood of our cruisers, they have compelled men engaged in legitimate trade to deny their country, throw over their flag, conceal their papers—in some cases it being in proof that the papers were examined before they were thrown overboard—in order that they might become prizes to their cruisers, instead of being tried before American courts. Our legislation has thus been tributary to their interests and their avarice, and destructive of our commerce. I would repeal, if I had the power, the act declaring the trade to be piracy; but that is not before us. Before us, however, is the question of this treaty which binds us to keep a certain squadron on the coast of Africa. I shall vote against its increase; and when opportunity offers, I shall vote to give notice to Great Britain terminating that article of the treaty.

Mr. WILSON. Mr. President, I am gratified to hear the Senator from Mississippi condemn the cooly trade. A bill on that subject has been introduced in the House of Representatives, which I hope, at the next session, will receive the sanction of that body; and when it comes here, as that Senator regards the cooly trade as a crime against humanity, I hope it will receive his support; but, sir, condemning the cooly trade does not in any way justify the African slave trade.

The Senator thinks I am mistaken in my view with regard to southern opinion. Sir, I have not said—I have not intended to say—that the mass of the southern people were in favor of reopening the African slave trade. I do not believe that they are; but that large bodies of men in the Gulf States are in favor of reopening the African slave trade is a fact not to be questioned here or elsewhere; for these opinions have been avowed in the public press; they have been avowed in pamphlets; they have been avowed in legislative assemblies and in conventions. The last two southern commercial conventions were devoted almost exclusively to the discussion of the question of the reopening of the African slave trade. Regretting deeply and profoundly this change of opinion among a portion of the people of the South, I think it to be our duty here, men of the North and of the South, to do what we can to execute present laws, to improve present laws, and to put down the traffic, and show to the country and to the world that we are in earnest, and that this error which has sprung up, and which I am confident, if calmly discussed, will vanish under that discussion-

Mr. DAVIS. With the permission of the Senator from Massachusetts—and I would not interrupt him now but for the fact that I am compelled to leave the Chamber to attend the committee of conference—I merely wish to say that whilst he can produce individuals, whilst he can produce articles from newspapers or from pamphlets advocating the revival of the African slave trade, he probably can go into his own town, interior though it be, and certainly, if he goes to his own port of Boston, he will there find men, too, who would like to revive it and engage in it.

Remarks of Jefferson Davis on the tariff and loan bill. June 20, 1860.

Mr. DAVIS. I do not propose to go into a discussion of the general question of the tariff, but I may be permitted just now

and here to say that I look upon all duties imposed on imposts as a mode of taxation, and as the most expensive mode in which a given amount of money can be raised. It imposes a large amount of tax upon the consumer which does not go into the public Treasury, and because of the indirect manner in which the money is raised, it encourages profligacy of expenditure. I think, therefore, the whole system a bad one, but I do not choose on this occasion to discuss it.

I merely wish to say that I shall vote for the proposition to reconsider, because there has not been a moment since I was convinced that the tariff of 1857 was obtained by corruption, when I have not been ready to vote for its repeal. I did not approve of it when it was framed. I do not approve of a large free list, thus acting indirectly for the exact purpose of protection; and a tariff can be made protective as absolutely by the increased number of articles put upon the free list as by any other mode which can be adopted. I was opposed to it, therefore, because of its character; and since I was convinced it was obtained by corruption, there is not an hour that I have not been ready to vote for its repeal. I look upon the tariff of 1846 as a more democratic, in other words, a more constitutional tariff, than the one of 1857; and when the tariff of 1857 fails to supply the Treasury with that amount of revenue which the expenditures require, I do not stop to inquire whether the expenditures are too great or not; when it has failed to supply the money which is necessary to meet the appropriations made by Congress, I think we had better adopt one which will give a larger revenue to the country; and, therefore, I am willing to go back to the well-tried tariff of 1846, and try it upon the tariff of 1846 until we have more revenue than we require, and then to reduce it by deliberate examination as to how we can scale the duties down for the great mass of the consumers. So far as any discrimination is made, let it be not for the benefit of any home product, but to impose the burdens of Government more upon property and less upon consumption.

Mr. DAVIS. My friend from Georgia, as I understood him, said he had heard to-day, for the first time, that the tariff of 1857 had been passed by corruption. If I gave him the information, he is very much behind the reading world. The papers have been filled with it; amounts have been stated, and very large amounts. The defalcation of a custodian of the money of a corporation or of a firm attracted notice—

Mr. TOOMBS. I said that I had heard there was money spent to procure free wool.

Mr. DAVIS. I accept the distinction of the Senator. He does not say that there was no money spent, but that the money was not effective.

Mr. TOOMBS. I say no such thing procured the passage of the bill. I do not think it could have applied to three people in Congress.

Mr. DAVIS. That goes into the region of speculation, where I should be perfectly lost. How far this large sum of money affected anybody's vote who would not have voted for the bill without it, I do not know; but he was a very indiscreet agent who paid money to a man to vote a particular way when he intended to vote that way without the money. That is all I can say. It is a thing of which I have no particular knowledge.

In all the argument which goes for free trade. I sympathize: but the free trade which is presented by persons particularly acquainted with all financial questions, like my friends from Virginia and Georgia, of the Committee on Finance, is not the free trade of which I have been an advocate. It is free trade in dyes, so that the manufacturer may be relieved, and finally it grows to be free trade in everything which is required for the industry of the country; but where is the woodman's ax; where is the farmer's plow, and where his scythe? These pay a duty still, and the cry is constantly for a higher tax on them. It is, then, merely to the dye-stuffs, that enter into the manufacture of cloths and calicoes, that this free trade extends. The salt and the iron, the two absolute necessities of life, are still to bear their burdens. My friend from Virginia says it is to reduce the price of the manufacture of the article. How? His colleague from Georgia answers it—answers it without intending to do so when he points to the fact that Great Britain is struggling for the markets of the world; enlarging her manufactures; taking off duties wherever it will increase her manufactures, and that it is the price of the British article with which we are to compete. They regulate our standard; and when you take the duty off the dye-stuff, you merely increase the profits of him who manufactures in this country to sell to our own people. Great Britain, with all her manufacturing and commercial power, is struggling for the possession of our market, and she sends the goods here at the price at which she can afford to sell them. They are then charged with a duty, which duty is imposed for the benefit of the manufacturer of the same character of goods here, in many cases, and then the manufacturer here gets the price of the English article with the duty added, and his profit on it. That

profit will be greater or less in proportion as he pays duty on the raw material or not.

But there is another phase in this free trade of my friend from Georgia, that of specific duties. I cannot apply his theory of relieving consumption, of imposing taxation upon property, and in that I agree with the idea of specific duties. If property is to bear the burdens of Government, then you most equitably reach it by a duty of impost when you adopt the ad valorem principle. It is wealth which buys the high-priced article, and poverty which buys the poorer. Then when the tax is in proportion to the value of the article, wealth pays its proportionate share for the support of the Government in return for the protection which property receives. It is the only mode, in my opinion, through which you can vary the burden so as at all to assimilate to the amount of property which receives protection, if you collect your duties through an indirect system. Direct taxation, we all know, would reach property immediately. Persons would render personal service for the protection they received, and property would support the Government. I am speaking now, however, of a system of revenue which is collected from the imports of the country. A specific duty, laying the same tax upon an article worth twenty dollars as upon an article worth two, operates to relieve property of its fair proportion of burdens, and to transfer the burdens so taken off property to the consumers, the laborers. That is the effect of it; and it is, therefore, that I have always vindicated ad valorem duties, and ad valorem duties spread out upon everything imported. If consumption be the basis on which you are to lay the tax, then everything which is consumed should be taxed; and least of all is it fair to exempt from taxation those things not produced in our country; and those goods not produced in our country, and those alone, would put every dollar which was taken from the pockets of the people into the Treasury of the United States. A tax laid on any other character of commodity is a portion of it paid into the pockets of the individual who manufactures or produces it, and a portion of it only into the Treasury of the United States. We all know what the English system has been. It has advanced towards free trade; but the English circumstances and our own are very different; and when we apply their principle, we cannot do it by following step by step in their path.

Mr. SIMMONS. I wish to call the attention of the Senator from Mississippi to the facts connected with this bill when he speaks of the injurious effect of specific duties, and to illustrate the general principle by a single article taken from this bill. I will take the instance of the duties upon cotton goods.

Mr. DAVIS. To which bill does the Senator call my attention?

Remarks of Jefferson Davis on the civil appropriation bill. June 21, 1860.

Mr. DAVIS. Will you state your authority? Mr. GREEN. Yes, sir; Mr. Meigs's own letter.

Mr. DAVIS. I should be glad if the Senator would read from the letter any such language as he states.

Mr. GREEN. I have not got time to stop to read it, but I will produce it. He said there was no quarry in the United States where it could be furnished of equal quality in the same size—monolithic shafts of one piece.

Well, sir, I will pass by that. The Senator put in the amendment wrongfully. No division was called on it. I think the committee of conference had the power to strike it out; the Senator from Georgia thinks not. I will not raise a question with him on that point. I think they had. I think they ought to have stricken it out; but as they did not strike it out, they have improved it by saying that it shall be American marble. I shall go that far.

On the other point, of legislating Captain Meigs into office to superintend the water works, I will simply say that, if he can do no better for the conduit of water than he has done for the conduit of air into this Chamber, he is unfit to have charge of that work; and whether fit or unfit, Congress ought not to undertake to put him into office, but the matter ought to be left to the proper executive officer, and hold that executive officer responsible.

Mr. DAVIS. Mr. President, the Senator from Missouri, I have no doubt, is a competent architect; and therefore properly sits in judgment on the work of Captain Meigs in construction.

Mr. GREEN. Not exactly a competent architect; but equally competent with the Senator from Mississippi.

Mr. DAVIS. Exactly; but I have not assumed judgment, and therefore you have no right to make the comparison. When I assume to sit in judgment, it will be time enough for the Senator to compare his knowledge with mine. "Whoso humbleth himself shall be exalted;" and the reverse, no doubt, is true. I have my own opinion of the capacity of Senators to judge of matters of architecture.

Mr. GREEN. Your opinion amounts to very little.

Mr. DAVIS. I will show that your statements amount to less, before I have done.

Mr. GREEN. Very well; proceed.

Mr. DAVIS. The Senator assumes, in the first instance, that a legal, binding contract exists with a Mr. Connelly to furnish columns. Now, sir, if he had taken half the pains to learn the facts which he seems to have taken to attack Captain Meigs, he would have found out that no such contract could exist; that if any such engagement had been entered into, it was illegal; and so far as the public is informed, no such contract does exist. There was no appropriation under which it could be made. He would have learned still further, if he had thought proper to inquire, and been willing to present the case fairly, that the Senate were not picking out Rice & Heebner with whom to make a contract; that the Senate were not assuming to make a contract, but that the chairman of the Committee on Public Buildings, not now in his seat, [Mr. Bright,] offered an amendment upon a subject which had been under discussion for years, and named in that amendment those who had a legal, valid contract-Rice & Heebner.

A word or two in relation to this contract, Mr. President. After public advertisement had been made, a contract was awarded to Rice & Heebner, to furnish marble for this Capitol. It was found that, under their contract, they could not furnish the ashlar in such size as some of it was desired. Their contract did not provide for monolithic columns for the Capitol. The question was submitted to Congress. They decided by law to authorize a modification of the contract, by which these columns were to be furnished in monolithic shape, and the ashlar furnished in larger blocks. The contract was so modified; and when the contract was modified—I speak of that because I was then Secretary of War-it was, in the judgment of the Secretary, preferable that the whole matter should be between the contractor and the superintendent, and that the Secretary should only exercise supervisory power over it. The then Secretary did not desire to be mingled with the contracts. He knew he was not able to go and attend to the delivery of the marble, and judge of its material, and determine when it was not equal to the contract. He put the whole matter under the superintendent; and as that contract was made, and as it stands, it required that the superintendent should give the notice before the contract should be vacated. The notice which Rice & Heebner served, was a notice that they could not get the monolithic shafts out of the quarry at Lee, in Massachusetts. They never served notice that they could not get monolithic columns at all. So far from it, they were able to get monolithic columns in a quarry adjoining that of Mr. Connelly, and for a much less price, and offered to furnish, and so did the owner of that adjoining equally offer to furnish it, for a price still less than Rice & Heebner.

Mr. GREEN. Crowley? Mr. DAVIS. Yes, sir.

Mr. GREEN. I understand it all.

Mr. DAVIS. Of course you do, but your statements do not show it. I am dealing with your statements, not with your knowledge. Then, sir, the question was whether marble of lower material should be adopted. Captain Meigs's letter, from which I requested the statement of the Senator to be read which he made upon the foundation of it, set forth, what was the fact, that in this quarry in Maryland they could get monolithic columns: but he never asserted that those monolithic columns were fit for this Capitol. The marble is so inferior that it would deface the Capitol to raise a portico of it in front of the finegrain marble which has been used for the ashlar of the building. Rice & Heebner were willing to furnish Italian columns; but there was no contract for them; no order was given for them, and Captain Meigs, over his own signature, has lately, in a public paper, branded the statement as a falsehood. They are importers of Italian marble; they have Italian marble at the quarry in Carrara. What of that? They were importers of Italian marble before they were contractors for the Capitol, and will be. I suppose, after the Capitol is finished.

Mr. TRUMBULL. Will the Senator from Mississippi allow me a moment? There must be some misunderstanding as to our position. I perceive that the doors are kept closed, but I believe

we are in open session.

The PRESIDING OFFICER, (Mr. Foot.) The Senate is in legislative session.

Mr. TRUMBULL. The doors are all locked.

Mr. DAVIS. I was addressing the Senate, and, therefore, very careless whether there was anybody in the galleries or not.

Mr. TRUMBULL. It was not on that account, but I thought it proper, as we were in open session, that the doors should be opened.

The PRESIDING OFFICER. The Sergeant-at-Arms will

have the doors opened.

Mr. DAVIS. I was proceeding in relation to these Italian columns. These importers of Italian marble were willing to furnish monolithic shafts for the Capitol of Italian marble. The Administration did not choose to take the responsibility of receiving foreign marble. So entirely wrong has my friend from Missouri been throughout the whole transaction, that he has been arguing against this report of the committee of conference as though it required the purchase of Italian marble, when, in fact, it absolutely forbids it. There is my objection to the report.

Mr. GREEN, (in his seat.) I said expressly that they had

power to go back and change.

Mr. DAVIS. I will yield the floor to the Senator if he desires it, but he has no right to sit in his seat and interrupt me.

Mr. GREEN. I merely wish to correct him.

Mr. DAVIS. Very well.

Mr. GREEN. I stated expressly that the report of the committee was better than the original proposition, but that I thought they had the power to go back and wipe out the original amendment put on in the Senate. I complained of the committee because they did not. There is some difference of opinion as to the power of the committee over that; but I stated expressly that it was better as they reported it than it was before. Did I not?

Mr. DAVIS. If the Senator has completed, I will now go on with my statement.

Mr. GREEN. I have completed thus far. I do not want to be

misrepresented.

The Senator used the word "Italian," and I Mr. DAVIS. remarked it because I supposed he had not noticed the report of the committee of conference. However, the objection I have to the report of the committee of conference is, that they do insert the word "American." It was an original purpose, not declared by legislation, but in the execution of the law, to build this Capitol of American marble, and to build it of as great variety as could be obtained. Invitations were given for ornamental marble all over the country; specimens were received from every quarry of ornamental marble. The object was to vary the adornment of the Capitol with all that the United States could furnish of ornamental marble. It was sought to build it entirely of American marble. It was found impracticable, first, to obtain it in quantities sufficient for the shafts; secondly, it was found impracticable to obtain marble of a grade equal to that of which the Capitol was built, and which would furnish the monolithic columns for the portico. The difference between the Lee marble and the marble of the quarry in Carrara is small. It requires a judge of marble, when he walks through a room, to see where the

Italian marble has been used. If any one will go to the Post Office extension, he can there see the three marbles brought in contact. There is the darker and inferior variety of the Lee marble brought in contact with the Italian and with the marble from Connelly's quarry. The West Chester marble, which is similar—and it is used extensively—can be seen both in New York and Baltimore. I do not think it requires any argument to any one who has inspected the Post Office extension, to show that this marble is unfit for the porticoes of the Capitol, and that is the only quarry from which it appears that monolithic shafts can be obtained of the length which is necessary for the portico. What then shall we do? Deface the Capitol by using inferior marble, in order that it may be American? Has any other country on the face of the globe, which had ever risen to any degree of civilization and written its name on the pages of history, sunk to such narrow prejudice as that? Rome, in her palmy days, laid every country under contribution from which she could transport her marbles to build the great temples of Rome. She is even now rebuilding the city from marbles used in those ancient temples, the very origin of which is unknown. We propose to go to the quarry of Carrara—the quarry which furnished the blocks for the column of Trajan—where we may get monolithic shafts with which to complete this Capitol. only regret is that the committee did not insist upon excluding the word "American," and, if they pleased, inserted "a character of marble fit for the porticoes of this Capitol." The Czar is drawing marble for the public buildings at St. Petersburg from the very quarry to which I think we should resort, to which I think we shall be compelled to resort; for he who puts up an inferior marble for the porticoes of this Capitol is wasting money upon it, and American taste will pull them down to rebuild them of such as are fit for the Capitol extension. I trust and believe that nothing inferior will be allowed to stand in the portico of this American Capitol.

The Senator from Missouri, however, argues this as a question of contract. Let us see, then, what the effect of the report of the committee of conference is. It enables the present contractors, whose contract has never been declared void, whose contract, therefore, is still valid, to furnish columns of American marble. They can go into the quarry in Maryland; they can furnish the marble columns at exactly their contract price, and they will be bound to go on and furnish the ashlar for this building. Suppose you were to repeal that contract, as the Senator presumes has

already been done; what would be the effect? You would get these monolithic shafts from somebody else, at the same or greater price. Then you would have to buy your ashlar at such prices as these men holding the quarry might think proper to charge. You would have to pay whatever exorbitant rates either their cupidity, or their passion, might impose on the Government for the ashlar which would complete the Capitol. Beyond that you have a contract with marble-cutters based upon the character of marble which they were to cut, which is so much softer than the marble of the Maryland quarry, that if you substitute the Maryland marble, they will be not bound to cut it at the contract price, and will demand from you the additional sum which is necessary to cut a marble so much harder than that which they agreed to work.

But again, sir, this building has been finished with all its columns formed so as to show the sharpest edges in the flute, and the deepest relief in all its moldings, and in its foliage; and this marble cannot bear that test. It will exfoliate if brought to the sharp edges; and it will be impossible to cut the foliage with such deep relief as is found on the pillars already finished. Thus you incur, I say, additional expense. You have to diminish the style, and at last to disgrace the building by putting up an inferior building, merely in order that you may keep the name of American. My only hope is, that if the amendment is adopted as it stands, it will not be executed, but will remain a dead letter on the statute-book, until another Congress of more sober reason shall repeal the provision, and allow the marble to be bought wherever it can be furnished in proper length, and of quality suited to the Capitol extension.

The correction of the error of fact—in the first place, that Captain Meigs ever recommended this quarry for furnishing columns; in the next place, that there is a contract for furnishing them with the particular individual named; and in the next place, that the contract with the marble contractors has been repealed—disposes of all the valid objections which the Senator from Missouri has offered. Therefore the report of the committee of conference is entirely free from objection, except so far as it restricts the selection to a country which has not shown itself able to furnish monolithic columns of the quality required.

Now, a word as to the other point, the insertion of the name of Captain Meigs in relation to the aqueduct. I agree that it is wrong. I do not think Congress ought to name the officer. I think that belongs to the Executive. I think, however, the pro-

vision is not quite so bad as it is represented to be. Congress does not detail an officer, and order him to do the work, but makes an appropriation for a work, and says the appropriation shall not be used unless under the superintendence of a particular officer. It rests with the Executive, then, if he requires that officer for something else, to use him elsewhere, and the appropriation remains unexpended. It does not attempt to prohibit the Executive from using this officer wherever he may think his service is needed; but it says Congress choose to have this work performed under that particular direction, and unless under that direction, they choose not to have it performed at all. That is the extent of the report of the committee of conference.

Mr. TOOMBS. That is it.

Mr. DAVIS. Whilst I very much prefer the amendment adopted by the Senate; whilst I think it altogether objectionable, in many respects seriously evil, to insert the name of an officer, and charge him with a particular work by Congress—the body least of all fit to select agents to direct the execution of work—still I think there is nothing which touches the honor of the executive department; there is nothing which deprives the executive department of any authority which it has now; and it seems to me that it would be altogether unwise for us to defeat an appropriation necessary to complete a great work, which is going to decay already by delay, in order that we may carry out a conflict with the House of Representatives as to whether the name of the individual whom we desire to have charge of the work, whom the Executive has already charged with the work, who has been its superintendent from the time it was commenced up to the present hour, shall be named as its superintendent. It seems to me to waste a great deal on a very small matter.

Mr. GREEN. Mr. President, I do not profess to be a well-skilled architect; but I have laid corner-stones in due order with full ceremony.

Mr. DAVIS. Corner-stones of what?

Mr. GREEN. Of churches, which you never did.

Mr. DAVIS. I am not a Mason, if that is what you mean.

Mr. GREEN. I am; and when I speak of matters of fact, I desire to be understood; and if the Senator from Mississippi desires to place me in a disparaging light, by saying I am no architect, he wakes up the wrong customer. I am as much of an architect as he is, and a little more.

Mr. DAVIS. I do not believe that; but I did not raise a question on that point.

Jefferson Davis to L. P. Conner and others. (From Mississippi Free Trader, Oct. 16, 1860.)

Brierfield, Miss., Oct. 7, 1860.

Gentlemen: -- I have this day received your kind invitation to a barbecue, to be given on the 11th inst., in the parish of Concordia. On that day I am engaged to be at Woodville, Miss., and regret that it will not be in my power to join you as invited. Linked as we are by a common cause, to share as we must a common destiny, it would have been most gratifying to me to have embraced this opportunity offered to confer with my neighbors of Louisiana as to our policy and duty in the present condition of the country. A sectional party, the vital element of which is hostility to a domestic institution existing among us, seeks and confidently expects to obtain possession of the federal government. Stimulated by the hope of success, their former reserve has to a great extent been thrown off, and they now proclaim an irrepressible conflict between the sections, because of negro slavery in the South. Confronted by a common foe, the South should, by the instinct of self preservation, be united. Difference on minor questions might, it would seem, be forgotten in the face of an issue so momentous as is now presented. To rally the men of the North, who would preserve the government as our fathers found it—we, for whose rights under the Constitution and the laws they are contending-should offer no doubtful or divided front. Our equality as members of the Union, and our claim to protection by the general government in all our Constitutional rights to the full limit of its jurisdiction and power being the questions distinctly presented in the canvass, the rule of conduct which would lead us to support the candidate who best represents our opinion on those salient points, is one on which we might be expected to unite. Applying this test to the platform of the parties, and to the record of the candidates, the necessary conclusion, I think, is, that Breckinridge is the best representative of the interests and avowed policy of the South, as well as the best hope of the preservation of our Constitutional Union.

Had the doctrine of State Rights, as promulgated by our party, and advocated by our candidate, been the accepted creed of the whole country, no sectional strife could have arisen because of difference in the domestic institutions of the States. No obstacle could have been presented to the fulfillment of the

great purpose of the Union, the concentration of the power of all for the security and safety of each against danger whether foreign or domestic. A return to the original spirit and purpose of the Government is the necessity of the time; and it needs no argument to show that this is most clearly indicated by the most unequivocal antagonism to the party which seeks to seize upon the government as a means to make war upon the domestic tranquillity, welfare and sovereignty of the slaveholding States of the Union. The recent declarations of the candidate and leaders of the Black Republican party are familiar to you and need not be recited, they must suffice to convince many who have formerly doubted the purpose to attack the institution of slavery in the States. The undying opposition to slavery in the United States means woe upon it where it is, not where it is not; and the time is at hand when the great battle is to be fought between the defenders of the constitutional government and the votaries of mob rule, fanaticism and anarchy. With gratitude Very Truly yours, Iam

JEFF DAVIS.

Messrs. L. P. Conner, Z. York, C. S. Magoun, Committee of Invitation.

Jefferson Davis to R. B. Rhett, Jr.

(From the Memorial Volume of Jefferson Davis, pp. 208-210.)

Warren County, Miss., Nov. 10, 1860.

Hon. R. B. Rhett, Jr.:

Dear Sir—I had the honor to receive, last night, yours of the 27th ultimo, and hasten to reply to the inquiries propounded. Reports of the election leave little doubt that the event you anticipated has occurred, that electors have been chosen securing the election of Lincoln, and I will answer on that supposition.

My home is so isolated that I have had no intercourse with those who might have aided me in forming an opinion as to the effect produced on the mind of our people by the result of the recent election, and the impressions which I communicate are founded upon antecedent expressions.

1. I doubt not that the governor of Mississippi has convoked the legislature to assemble within the present month to decide upon the course which the State should adopt in the present emergency. Whether the legislature will direct the call of a convention of the State, or appoint delegates to a convention of such Southern States as may be willing to consult together for the adoption of a Southern plan of action, is doubtful.

2. If a convention of the States were assembled, the proposition to secede from the Union, independently of support from

neighboring States, would probably fail.

3. If South Carolina should first secede, and she alone should take such action, the position of Mississippi would not probably be changed by that fact. A powerful obstacle to the separate action of Mississippi is the want of a port; from which follows the consequence that her trade, being still conducted through the ports of the Union, her revenue would be diverted from her own support to that of a foreign government; and being geographically unconnected with South Carolina, an alliance with

her would not vary that state of the case.

4. The propriety of separate secession by South Carolina depends so much upon collateral questions that I find it difficult to respond to your last inquiry, for the want of knowledge which would enable me to estimate the value of the elements involved in the issue, though exterior to your State. Georgia is necessary to connect you with Alabama, and thus to make effectual the cooperation of Mississippi. If Georgia would be lost by immediate action, but could be gained by delay, it seems clear to me that vou should wait. If the secession of South Carolina should be followed by an attempt to coerce her back into the Union, that act of usurpation, folly, and wickedness would enlist every true Southern man for her defense. If it were attempted to blockade her ports and destroy her trade, a like result would be produced. and the commercial world would probably be added to her allies. It is probable that neither of those measures would be adopted by any administration, but that Federal ships would be sent to collect the duties on imports outside of the bar; that the commercial nations would feel little interest in that; and the Southern States would have little power to counteract it.

The planting States have a common interest of such magnitude, that their union, sooner or later, for the protection of that interest, is certain. United they will have ample power for their own protection, and their exports will make for them allies of all

commercial and manufacturing powers.

The new States have a heterogeneous population, and will be slower and less unanimous than those in which there is less of the Northern element in the body politic, but interest controls the policy of States, and finally all the planting communities must reach the same conclusion. My opinion is, therefore, as it has been, im favor of seeking to bring those States into co-

operation before asking for a popular decision upon a new policy and relation to the nations of the earth. If South Carolina should resolve to secede before that cooperation can be obtained, to go out leaving Georgia, and Alabama, and Louisiana in the Union, and without any reason to suppose they will follow her, there appears to me to be no advantage in waiting until the government has passed into hostile hands, and men have become familiarized to that injurious and offensive perversion of the general government from the ends for which it was established. I have written with the freedom and carelessness of private correspondence, and regret that I could not give more precise information.

Very respectfully, yours, etc.,

Jefferson Davis.

Remarks of Jefferson Davis on Senator Powell's resolution. Dec. 10, 1860.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. DAVIS. Mr. President, if the political firmament seemed to me dark before, there has been little in the discussion this morning to cheer or illumine it. When the proposition of the Senator from Kentucky was presented,—not very hopeful of a good result,—I was vet willing to wait and see what developments it might produce. This morning, for the first time, it has been considered; and what of encouragement have we received? One Senator presents, as a cure for the public evil impending over us, to invest the Federal Government with such physical power as properly belongs to monarchy alone. Another announces that his constituents cling to the Federal Government if its legislative favors and its Treasury secure the works of improvement and facilities which they desire: while another rises to point out that the evils of the land are of a party character. Sir, we have fallen upon evil times, indeed, if the great convulsion which now shakes the body-politic to its center is to be dealt with by such quack nostrums as these. Men must look more deeply, must rise to a higher altitude; like patriots, they must confront the danger face to face, if they hope to relieve the evils which now disturb the peace of the land, and threaten the destruction of our political ex-

First of all, we must inquire what is the cause of the evils which beset us? The diagnosis of the disease must be stated

before we are prepared to prescribe. Is it the fault of our legislation here? If so, then it devolves upon us to correct it, and we have the power. Is it the defect of the Federal organization, of the fundamental law of our Union? I hold that it is not. Our fathers, learning wisdom from the experiments of Rome and of Greece-the one a consolidated Republic, and the other strictly a Confederacy—and taught by the lessons of our own experiment under the Confederation, came together to form a Constitution for "a more perfect Union," and, in my judgment, made the best Government which has ever been instituted by man. It only requires that it should be carried out in the spirit in which it was made; that the circumstances under which it was made should continue, and no evil can arise under this Government for which it has not an appropriate remedy. Then it is outside of the Government—elsewhere than to its Constitution, or to its administration—that we are to look. Men must not creep in the dust of partisan strife, and seek to make points against opponents as the means of evading or meeting the issues before us. The fault is not in the form of the Government, nor does the evil spring from the manner in which it has been administered. Where, then, is it? It is that our fathers formed a Government for a Union of Friendly States: and though under it the people have been prosperous, beyond comparison with any other whose career is recorded in the history of man, still that Union of friendly States has changed its character, and sectional hostility has been substituted for the fraternity in which the Government was founded.

I do not intend here to enter into a statement of grievances: I do not intend here to renew that war of crimination which for years past has disturbed the country, and in which I have taken a part perhaps more zealous than useful; but I call upon all men who have in their hearts a love of the Union, and whose service is not merely that of the lip, to look the question calmly but fully in the face, that they may see the true cause of our danger, which, from my examination, I believe to be that a sectional hostility has been substituted for a general fraternity. and thus the Government rendered powerless for the ends of which it was instituted. The hearts of a portion of the people have been perverted by that hostility, so that the powers delegated by the compact of union are regarded, not as means to secure the welfare of all, but as instruments for the destruction of a part, the minority section. How, then, have we to provide a remedy? By strengthening this Government? By instituting physical force to overawe the States, to coerce the people living under them as members of sovereign communities to pass under the yoke of the Federal Government? No, sir; I would have this Union severed into thirty-three fragments sooner than have that great evil befall constitutional liberty and representative government. Our Government is an agency of delegated and strictly limited powers. Its founders did not look to its preservation by force; but the chain they wove to bind these States together was one of love and mutual good offices. They had broken the fetters of despotic power; they had separated themselves from the mother country upon the question of community independence; and their sons will be degenerate indeed if, clinging to the mere name and forms of government, they forge and rivet upon their posterity the fetters which their ancestors broke.

But it has been said this morning that we should not discuss the cause of existing evils. Then how are we to ascertain the appropriate remedy? It is our duty to discuss the cause, and confront the danger as men resolved to perform the public service as best may serve the common good, and equally resolved not to engage in a scramble of party strife and crimination, either for party or personal advantage. It is only by laying bare the disease that we are to find a remedy. It is an ulcer. Cautery, not plasters, must be applied to it.

Then where is the remedy? the question may be asked. In the hearts of the people, is the ready reply; and therefore it is that I turn to the other side of the Chamber, to the majority section, to the section in which have been committed the acts that now threaten the dissolution of the Union. I call on you. the representatives of that section, here and now to say so, if your people are not hostile; if they have the fraternity with which their fathers came to form this Union; if they are prepared to do justice: to abandon their opposition to the Constitution and the laws of the United States; to recognize and to maintain and to defend all the rights and benefits the Union was designed to promote and to secure. Give us that declaration. give us that evidence of the will of your constituency to restore us to our original position, when mutual kindness was the animating motive, and then we may hopefully look for remedies which may suffice; not by organizing armies, not so much by enacting laws, as by repressing the spirit of hostility and lawlessness, and seeking to live up to the obligations of good neighbors, and friendly States united for the common welfare.

To dwell upon anti-fugitive slave laws is to deal with the symptom only valuable as it indicates the disease which de-

mands attention. What though all the "personal liberty bills" were repealed: would that secure our rights? Would that give us the Union our fathers made? Would that renew good offices, or restrain raids and incendiarism, or prevent schools being founded to prepare missionaries to go into lands where they are to sow the seeds of insurrection, and, wearing the livery of heaven, to serve the Devil by poisoning wells and burning These are offenses such as no people can bear; and the remedy for these is in the patriotism and the affection of the people if it exists; and if it does not exist, it is far better. instead of attempting to preserve a forced and therefore fruitless Union, that we should peacefully part and each pursue his separate course. It is not to this side of the Chamber that we should look for propositions: it is not here that we can ask for remedies. ('omplaints, with much amplitude of specification, have gone forth from the members on this side of the Chamber heretofore. It is not to be expected that they will be renewed, for the people have taken the subject into their own hands. States, in their sovereign capacity, have now resolved to judge of the infractions of the Federal compact, and of the mode and measure of redress. All we can usefully or properly do is to send to the people thus preparing to act for themselves, evidence of error, if error there be; to transmit to them the evidence of kind feeling, if it actuates the northern section, where they now believe there is only hostility. If we are mistaken as to your feelings and purposes, give a substantial proof, that here may begin that circle which hence may spread out and cover the whole land with proofs of fraternity, of a reaction in public sentiment, and the assurance of a future career in conformity with the principles and purposes of the Constitution. All else is idle. I would not give the parchment on which the bill would be written which is to secure our constitutional rights within the limits of a State where the people are all opposed to the execution of that law. It is a truism in free Governments that laws rest upon public opinion, and fall powerless before its determined opposition.

The time has passed, sir, when appeals might profitably be made to sentiment. The time has come when men must, of necessity, reason, assemble facts, and deal with current events. I may be permitted in this to correct an error into which one of my friends fell this morning, when he impressed on us the great value of our Union as measured by amount of time and money and blood which were spent to form this Union. It cost very little time, very little money, and no blood. It was one

of the most peaceful transactions that mark the pages of human history. Our fathers fought the war of the Revolution to maintain the rights asserted in their Declaration of Independence.

Mr. POWELL. The Senator from Mississippi will allow me to say that I spoke of the Government, not of the Union. I said time and money and blood had been required to form the Government.

Mr. DAVIS. The Government is the machinery established by the Constitution; it is the agency created by the States when they formed the Union. Our fathers, I was proceeding to say, having fought the war of the Revolution, and achieved their independence, each State for itself, each State standing out an integral part, each State separately recognized by the parent Government of Great Britain, these States as independent sovereignties entered into Confederate alliance. After having tried the Confederation and found it to be a failure, they, of their own accord, came peacefully together, and in a brief period made a Constitution, which was referred to each State and voluntarily ratified by each State which entered the Union; little time, little money, and no blood being expended to form this Government, the machine for making the Union useful and beneficial. Blood, much and precious, was expended to vindicate and to establish community independence, and the great American idea that all governments rest on the consent of the governed, and that the people may, at their will, alter or abolish their government, however or by whomsoever instituted.

But our existing Government is not the less sacred to me because it was not sealed with blood. I honor it the more because it was the free-will offering of men who chose to live together. It rooted in fraternity; and fraternity supported its trunk and all its branches. Every bud and leaflet depends entirely on the nurture it receives from fraternity, as the root of the tree. When that is destroyed, the trunk decays and the branches wither and the leaves fall; and the shade it was designed to give has passed away forever. I cling not merely to the name and the form, but to the spirit and purpose of the Union which our fathers made. It was for domestic tranquillity; not to organize within one State lawless bands to commit raids upon another. It was to provide for the common defense; not to disband armies and navies lest they should serve the protection of one section of the country better than another. It was to bring the forces of all the States together to achieve a common object, upholding each the other in amity, and united to repel exterior force. All the custom-house obstructions exist-

ing between the States were destroyed; the power to regulate commerce transferred to the General Government. Every barrier to the freest intercourse was swept away. Under the Confederation it had been secured as a right to each citizen to have free transit over all the other States; and under the Union it was designed to make this more perfect. Is it enjoyed? Is it not denied? Do we not have mere speculative question of what is property raised in defiance of the clear intent of the Constitution, offending as well against its letter as its whole spirit? This must be reformed, or the Government our fathers instituted is destroyed. I say, then, shall we cling to the mere forms, or idolize the name of Union, when its blessings are lost, after its spirit has fled? Who would keep a flower which had lost its beauty and its fragrance, and in their stead had formed a seed-vessel containing the deadliest poison? Or, to drop the figure, who would consent to remain in alliance with States which used the power thus acquired to invade his tranquillity, to impair his defense, to destroy his peace and security? Any community would be stronger standing in an isolated position, and using its revenues to maintain its own physical force, than if allied with those who would thus war upon its prosperity and domestic peace; and reason, pride, self-interest, and the apprehension of secret, constant danger, would impel to separation.

I do not comprehend the policy of a southern Senator who would seek to change the whole form of our Government, and substitute Federal force for State obligations and authority. Do we want a new Government that is to overturn the old? Do we wish to erect a central Colossus, wielding at discretion the military arm, and exercising military force over the people and the States? This is not the Union to which we were invited; and so carefully was this guarded, that when our fathers provided for using force to put down insurrection, they required that the fact of the insurrection should be communicated to the authorities of the State, before the President could interpose. When it was proposed to give to Congress power to execute the laws against a delinquent State, it was refused on the ground that that would be making war on the States; and though I know the good purpose of my honorable friend from Missouri is only to give protection to constitutional rights, I fear his proposition is to rear a monster which will break the feeble chain provided, and destroy rights it was intended to guard. That military Government which he is about to institute, by passing into hostile hands, becomes a weapon for his destruction, not for his protection. All dangers which we may be called upon to confront as independent communities are light in my estimation compared with that which would hang over us if this Federal Government had such physical force; if its character was changed from a representative agent of States to a central Government, with a military power to be used at discretion against the States. To-day it may be the idea that it will be used against some State which nullifies the Constitution and the laws; some State which passes laws to obstruct or repeal the laws of the United States; some State which, in derogation of our rights of transit under the Constitution, passes laws to punish a citizen found there with property recognized by the Constitution of the United States, but prohibited by the laws of that State.

But how long might it be before that same military force would be turned against the minority section which had sought its protection; and that minority thus become mere subjugated provinces under the great military government that it had thus contributed to establish? The minority, incapable of aggression, is, of necessity, always on the defensive, and often the victim of the desertion of its followers, and the faithfulness of its allies. It therefore must maintain, not destroy, barriers.

I do not know that I fully appreciate the purpose of my friend from Missouri; whether, when he spoke of establishing military posts along the borders of the States, and arming the Federal Government with adequate physical power to enforce constitutional rights, (I suppose he meant obligations,) he meant to confer upon this Federal Government a power which it does not now possess to coerce a State. If he did, then, in the language of Mr. Madison, he is providing, not for a union of States, but for the destruction of States; he is providing, under the name of union, to carry on war against States; and I care not whether it be against Massachusetts or Missouri, it is equally objectionable to me; and I will resist it alike in the one case as in the other, as subversive of the great principle on which our Government rests, as a heresy to be confronted at its first presentation, and put down there, lest it grow into proportions which will render us powerless before it.

The theory of our Constitution, Mr. President, is one of peace, of equality of sovereign States. It was made by States and made for States; and in the abundance of caution they passed an amendment, doing that which was necessarily implied by the nature of the instrument, as it was a mere instrument of grants. But, in the abundance of caution, they declared that

everything which had not been delegated was reserved to the States, or to the people—that is, to the State governments as instituted by the people of each State, or to the people in their

sovereign capacity.

I need not, then, go on to argue from the history and nature of our Government that no power of coercion exists in it. It is enough for me to demand the clause of the Constitution which confers the power. If it is not there, the Government does not possess it. That is the plain construction of the Constitu-

tion, made plainer, if possible, by its amendment.

This Union is dear to me as a Union of fraternal States. It would lose its value if I had to regard it as a Union held together by physical force. I would be happy to know that every State now felt that fraternity which made this Union possible; and if that evidence could go out, if evidence satisfactory to the people of the South could be given that that feeling existed in the hearts of the northern people, you might burn your statute-books and we would cling to the Union still. But it is because of their conviction that hostility and not fraternity now exists in the hearts of the people, that they are looking to their reserved rights, and to their independent powers for their own protection. If there be any good, then, which we can do, it is by sending evidence to them of that which I fear does not exist—the purpose of your constituents to fulfill in the spirit of justice and fraternity all their constitutional obligations. If you can submit to them that evidence, I feel confident that, with the evidence that aggression is henceforth to cease, will terminate all the measures for defense. Upon you of the majority section it depends to restore peace and perpetuate the Union of equal States; upon us of the minority section rests the duty to maintain our equality and community rights; and the means in one case or the other must be such as each can control.

Mr. DAVIS. I am very happy indeed to hear the explanation of my friend from California, with whom I have so often coincided, and from whom I shall part with so much regret upon any great political principle. He will find, however, upon examining the report, I think, that I understood his language. I am happy to find I did misunderstand his meaning, and very glad to be corrected.

The Senator from Missouri has taken special offense at the use of the word "quackery," or "quack nostrums," or "quack remedy." He puts the three phrases in my mouth, although I do not remember having used either of them; but let that go.

I will not quarrel with him about it; and, if he is satisfied, will agree that he is a learned pundit: that he is the highest authority on parliamentary etiquette; that he is the highest authority on political merit: but I must protest against his mode of quoting what anybody has said to whom he replies, and I cannot consent to his construction of the Constitution. When he selects a clause from the Constitution, which he reads with peculiar emphasis, and invites me to study—that clause in the Constitution which authorizes the Federal Government, or rather requires the Federal Government, to repel invasion-I have but to refer him to the history of the Government for the meaning of that clause. Was it to establish a military cordon surrounding the States? Was it to raise battlements, whose armmaments should frown terrifically down upon the people of a State? No, not at all, sir. It was to repel foreign aggression. That power was delegated when these States united for common defense. It was to bind their separate forces into one whole; so that the power of all might be used against any common enemy that invaded either of them; not the invasion of one State by another. That was a thought which would have deterred from union; that is the sad reflection which experience alone could have suggested to our minds. The Senator from Missouri, therefore, uses the phrase of the Constitution in a meaning which it cannot have; in an intent which our fathers had not; and does to them the great injustice of believing that, whilst they were sweeping away even the barriers to the freest trade between the States, they were providing to build up military cordons to keep the people apart.

I am glad that, before the Senator closed his remarks, he answered the only question which I asked him: and that because it was the point on which I did not understand him. His answer was so satisfactory, that if it had not been necessary for me to make the acknowledgment that I would take him out of the list of quacks and put him on the rolls of learned pundits and political doctors, I should not have replied. The construction of the Constitution is the question which we have to regard; and when we are told that military power is to be given to enforce the Constitution, knowing that that Constitution has as many constructions as clauses, and seeing the great error into which this State-rights and clear-headed Senator has fallen this morning, we are warned not to confer new and extraordinary powers upon the Federal Government, to be exercised as that Government may construe the Constitution. The States in their sovereignty, the States in their independence, the States have full

power over all local affairs; and this Federal Government is the agent to conduct their foreign intercourse, and provide for the common defense. That is the Government our fathers made, and that alone is the Government to which I am willing to

bear allegiance.

Mr. DAVIS. Mr. President, we seem to have entered on exactly that field which I had hoped might be avoided-one of crimination and recrimination. I had desired, if it were possible, that we should consider this subject as a grave one, involving great public interests; and that if there was any prospect of such an adjustment as we, the injured party, ought to accept, we should be made aware of it. The men who live along the border have been complaining from year to year that their property is stolen, and no man has ever disputed it. And it seems like the grossest fiction that ever was attempted, to say now that property is safe, when property has actually disappeared from the border: when it is well known that, in parts of Maryland, you scarcely find the remnant of the property which once cultivated the land; when the border has been driven back in western Virginia and along the frontier of Kentucky; when the same state of things exists in Missouri, too, as represented by my friend on my right [Mr. Green]. I do not think gentlemen are meeting this question in a spirit likely ever to bring good result, when they attempt to plead that here and there the law has been executed, when it is very well known that combinations exist to prevent the law being applied, that rescues are made from time to time sufficient to show what the public feeling in those communities is.

But we are told, sir, that there are extreme opinions: that the extremes at the North and the extremes at the South are both wrong, and that opinion must be corrected in both quarters. Does the extreme South assail the rights of anybody? Does the extreme South attempt to nullify the constitutional rights of any citizen of the United States? Does the extreme South pretend to sit in judgment upon the institutions of other communities? If not, what have we to reform or to correct? What matters it how ignorant we are of the domestic affairs of other people, provided we leave them to manage their own affairs—the theory upon which our Government was founded, and the only one on which it can be perpetuated? If it were useful, if it were pleasant, if it were in any sense profitable, my own attention has been sufficiently drawn to these outrages on the law, to enable me to make out here a long list of specifications. The newspapers have brought us, from time to time, the declarations of men who are

seeking popular favor by declarations most hostile to the constitutional rights of the South, in relation to their property in slaves. The very Governor who has been drawn into this controversy has been represented as proclaiming that not one fugitive should be delivered from his State until the whole military power of that State had been exhausted in protecting him.

Mr. WADE. He has denied that over and over again.

Mr. DAVIS. Then I hope he is not guilty. The charge I have seen repeated so often that I took it to be true. I am glad to know now, that there is doubt as to its truth. I had, myself, Mr. President, a desire, I might almost say a hope, that Senators representing constituencies holding opinions which had led certain of the States to look to their condition, as one which necessarily impelled them to seek their safety out of the Union, would here inform us if we were mistaken. It is not by pleading to special cases and asking for specifications, it is not by crimination and recrimination, that the sense of the people is likely to be changed, or the action of the States now assuming to judge in the last resort is to be modified in any degree, or that their respect for the manner in which the subject is here treated is to be heightened. All that can serve a useful purpose at the time is to bring forth evidence, if the fact exists, of that kind of feeling toward us, the absence of which we consider the greatest grievance under which we labor. I do not wish now to parade the laws which have been enacted to violate, not only our constitutional rights, but those obligations of comity existing between friendly States. There is no use in it. The occasion for such argument has passed by. We have to deal with events which are now transpiring, and about to be consummated, and angry discussion here, and the arraignment of men for the evil they have done, will serve but little good here or elsewhere. The purpose to do good hereafter is the only hope for any change of policy in those States that are now looking to their sovereign powers for their own defense.

Sidney Noble to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Otter Creek Ill Dec 12/60

Mr Davis

Dear Sir I write you a few lines from this the Prairie State. I would say that I am a Mississippian by birth I was born in

Adams Co Miss, it is possible you may be acquainted with some of my family relations of Jersey settlement Adams Co Swayzes, Fowles, and Jefferson Montgomery. I left my native state in the year of 1832, but I assure you I feel as much attached to my native State now as any of her sons who remain on her hallowed soil, Twenty Seven years of residence in this State has convinced me that the south will never get her constitutional rights in the Union. I have seen enough to convince me that every constitutional man in the north will be ere long driven out of office, and a constitutional man will never again be elected to the office of President unless the south takes a determined course to have her rights or go out the union, such a course on the part of the south is the only thing that will cause the north to reflect, yet I have but little faith that such reflection will ever do any good, with such Leaders as Lincoln who became soured toward the South, who hates slavery as bad as any abolitionist, these fanatics have their mission to perform and that is to destroy the best government ever formed by man The south has many friends here but beware of such friends as Douglas who cry out for union when he sees the heel of the tyrant about being placed on your neck, O sir nearly all my relation are in the south and the Idea is horrible to think off that the south must be taxed and fight the battles of the country and yet be denied equal right in the territories, it seems the north wants the south to raise cotton and shugar rice tobaco for the northern states also to pay taxes and fight her battles and get territory for the purpose of the north to send her greasy Dutch and free niggers into the territory to get rid of them. At any rate that was what Elected old Abe President Some professed conservative Republicans Think and say that Lincoln will be conservative also but sir my opinion is that Lincoln will deceive them he will undoubtedly please the abolitionist for at his election they nearly all went into fits with Joy.

I do not exactly understand this conservatism which politician[s] talk about, I want to hear men talk of Equality of the States and the rights of all our citizens

There are a good many good Democrats in the north but our Leaders have yielded to northern fanaticism little by little untill the field has been taken and we are powerless for good. Mr Douglas talks much of the overt act I would like for him to difine what would constitute an overt act. Such men as are always talking and saying wait for the overt act are not the men in my opinion for the south to rely on for they will be

like the Irishman flee—not there. I would be verry glad to receive a few lines from you

Your friend Sidney Noble

[Indorsed: Polit.

Sidney Noble Ills.]

Remarks of Jefferson Davis on resolution of inquiry in respect to forts in the harbor of Charleston. Dec. 20, 1860.

Mr. DAVIS. Mr. President, it is very difficult, in discussing the question as to the propriety of taking up a resolution, to avoid to some extent the consideration of its merits. I think we have wandered somewhat from the question before the Senate—that is, the propriety of adopting the resolution of inquiry presented by the Senator from New Hampshire, [Mr. CLARK].

Is it proper that we should call on the President to communicate the orders he has given and the correspondence he has had in relation to a fort, and especially when the circumstances of that fort are surrounded by such extremely delicate relations as belong to this? If it is improper that we should make such an inquiry, there is no propriety in taking up the resolution. I propose, then, to show that it is improper that we should make the inquiry.

It will be remembered that, under the Confederation, in the infancy of our Government, Congress had the control of the Army. A large portion of the embarrassments which surrounded military operations, during the war of the Revolution, grew out of that fact; and, taught by experience, when our fathers formed a new Government, they transferred the control of the Army and Navy to the President. But here, while the President is conducting the affairs of a garrison, it is proposed to institute an inquiry to learn what correspondence he has had; what orders he has given; what force there is at the place; and thus to make public the very facts which, above all others, the commander of the Army and Navy should have the power to keep secret. If it were an ordinary case, we might allow it to pass, and leave the President to exercise his discretion as to his answer. But it is an extraordinary case. We know, as the Senator from Virginia has said, that it must inflame the public mind to agitate the question. If the President is derelict in his duty in any respect, he is amenable; but it is in the other House, not in this, he should be arraigned. If the President is supposed to be performing his duty in the manner which best conduces to the peace of the country, we should but embarrass him in his operations by interjecting such an inquiry as is pro-

posed.

Whatever the garrison may be-and I believe the whole country has full opportunity to know what it is-the fact is well known that the President has not the power to increase it; that he could not send a company there without the fact being known before the company arrived. This would certainly precipitate action, as it would convey a threat, attended by preparation to execute it, and naturally result in bringing about the very collision which every man who loves the peace of his country is now endeavoring to avert. If the object be to remove the garrison, that is a question the decision of which I think properly rests with the Executive, and of which he is a better judge than we can be, even if he should present to us the full record of his correspondence and his orders. If, moreover, he has given such orders to the commander of that garrison as, being published, would become the subject of animadversion, perhaps of misconstruction, our inquiry might result in an irreparable injury to the public peace and future hope of those who look forward to an amicable solution of existing difficulties.

In every view of the case which presents itself to my mind, it is utterly improper that we should, under the existing circumstances of the case, institute such an inquiry as this. It seems to me that gentlemen who have argued on the other side throughout the whole of this debate—I do not mean this morning alone—have constantly proceeded on the supposition that the States belong to the General Government, and that the Army is held by the General Government, as one of its purposes at least, to control the States. Surely such was not the intention of those who framed the Government. When the States divested themselves of the power to maintain an army and a navy, and gave it to the General Government, it was that they might be concentrated for the purpose of common defense; and if a case were to arise in which the Federal troops were to be employed against a State, it would be a case of such palpable violation of the spirit of the Constitution, and the purpose of its grants, as would not only justify that State, in repelling such aggression, to resort to any remedy within its power, but would claim for its measures of resistance the cooperation of all true supporters of the Constitution.

In the formation of the Constitution it was not overlooked that a State might require to exercise the military power which had been delegated to the Federal Government. It was in direct contemplation that it might be resumed; and therefore we find in the tenth section of the first article of the Constitution, in the second and third clauses, provision made for exactly such a case as would arise where the danger of a State could not be satisfactorily provided for by the General Government. Senators here this morning spoke of this case as if the garrison of Fort Moultrie was in hostile attitude to the city of Charleston; if so, it should be removed; the site was given, as the Army is maintained, for defense: who will or can reverse the purpose? The States, when forming a more perfect Union, agreed that they would not, "without the consent of Congress," "keep troops or ships of war in time of peace." What did that mean? Did it mean to divest the States entirely of military power? Did it mean to say that the States should never exercise any military functions? If so, why did this clause of the Constitution contain the words. "without the consent of Congress?" Is not the conclusion irresistible that it was foreseen that it might be necessary and proper for a State to resume this power, and for Congress to give its consent to that change of relation?

If there is anything more remarkable than all others in this instrument, it is the exactness, the accuracy, and the appropriateness of every expression which the Constitution contains. They meant to express something distinct in every sentence which was incorporated into the solemn compact, by which sovereign functions were to be delegated to the General Government of the States. These men, fresh from the struggles which they had made as independent States, when they inserted a clause like this, certainly looked to its exercise; and if a case should arise, or has arisen, in which a State looks upon the Federal Government as its enemy, when the troops of the United States are viewed as hostile forces, and dread is felt lest the power of the United States should be used to subvert the liberties of the State, the time has come when Congress should withdraw its forces, and consent that the State should keep troops and ships of war in time of peace, and if need be, enter into an agreement or compact with other States, all of which they may, with the consent of Congress, do under the Constitution; and "if actually invaded, or in such imminent danger as will not admit of delay," a State may, without the consent of Congress, engage in war; this being a reserved right, and the State the sole judge of the facts which justify its exercise.

There is a passage in the second clause of this tenth section which seems to look to another condition of things. The States having delegated the power to maintain an army and navy, and divested themselves of the right to maintain ships of war and troops in time of peace, also provided that "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws." This, taken in connection with the other prohibition, suggests a condition of things in which Congress might give its assent to a State to lay duties upon imports and exports, in order that it might provide the revenue to maintain the exercise of that power contained in the third clause; which is, with the consent of Congress, to keep troops and ships-of-war in times of peace. It seems to be a provision exactly adapted, if not intended, to give security to a State when distrustful of the General Government, and to provide the means of defense within the Union, which, as a separate State out of the Union, she would possess to repel by force the invasion of her rights and the disturbance of her domestic tranquillity.

I trust there is to be no collision. I trust that these troops are but to perform the ordinary, and, so far as our own country is involved, the peaceable function of holding that fort until transferred to other duty; but if there be danger, permit me here to say it is because there are troops in it, not because the garrison is too weak. Who hears of any danger of the seizure of forts where there is no garrison? There stand Forts Pulaski and Jackson, at the mouth of the Savannah river. Who hears of any apprehension lest Georgia should seize them? There are Castle Pinckney and Fort Sumter, in Charleston harbor. Who hears of any danger of seizure there? The whole danger, then, Mr. President, (and it stands palpably on the face of the transaction,) arises from the presence of the United States troops. Is the remedy, then, to increase the garrison? It is impracticable to do it, if that were the remedy; and if it were practicable, I hold it would only increase the danger. It would only be multiplying the chances of collision.

I think, altogether, it is much better we should not make the inquiry; but leave the Army, without our intervention, to be commanded by the President, as provided in the Constitution; and, when events have transpired, if then we choose to know what the Executive has done, not to embarrass him in the performance of his duty, but to sit in judgment on his conduct, it may be proper for us to call, as well for the correspondence as the orders given in the case; I think not till then.

Resolution of Jefferson Davis submitted Dec. 24, 1860.

Mr. DAVIS. Will the Senator yield to me for a moment?

Mr. BIGLER. Yes, sir.

Mr. DAVIS. I ask the Senate to make an order to print, for the use of the select committee, a resolution which I shall lay before them. I present it to the Senate in order that it may be ordered to be printed.

The PRESIDING OFFICER. By common consent, the resolution will be received. The Chair hears no objection. The

resolution will be read.

Mr. MASON. The resolution will be printed, and I suppose it can hardly be necessary to read it.

Mr. DAVIS. Oh, no; let it be printed.

The PRESIDING OFFICER. It is moved that the resolution be printed.

Mr. POLK. I prefer to hear it read. Mr. YULEE. I hope it will be read.

The PRESIDING OFFICER. The reading of the resolution is asked for. It will be read.

The Secretary read it, as follows:

Resolved, That it shall be declared, by amendment of the Constitution, that property in slaves, recognized as such by the local law of any of the States of the Union, shall stand on the same footing in all constitutional and Federal relations as any other species of property so recognized; and, like other property, shall not be subject to be divested or impaired by the local law of any other State, either in escape thereto, or of transit or sojourn of the owner therein; and in no case whatever shall such property be subject to be divested or impaired by any legislative act of the United States, or of any of the Territories thereof.

The resolution was ordered to be printed.

Jefferson Davis to J. J. Pettus.¹ (From Mississippi Department of Archives and History.)

Govr. J. J. Pettus

Washington D. C. Dec. 26. 1860

My dear Sir

With this I enclose to you a letter from the agent of the Hazard powder Company from which you will see that you can get the powder you want at N. Orleans and I have written to

² Pettus, John Jones (1813-1867), a political leader, was born in Wilson County, Tenn., October 9, 1813; was educated in Limestone County, Ala., practiced law in Sumter County; removed to Kemper County, Miss., and be-

him that you would inform him by telegraph as to the amount of each quality which you would take. Mr. McMicken has I learn taken the arms authorized by you, from Whitney. I do not know on what guarantee or after what inspection. The letters sent to you will have informed you of his position as to payment &c. You will see the necessity for direct supervision of his operations in order to secure any further deliveries after the first installment. If you had a good business man who would attend to it in person it might be possible to hasten delivery and secure the fulfilment of his whole contract. The large number of buyers in the market gives to the sellers every advantage.

This morning Thompson went with me to Mr. Riggs and we closed the reserved question on the Maynard rifles. I hope however that before this, some of them are on their way to you.

Mr. Floyd promised me to send the order you requested to the ordinance officer at Baton Rouge. You did not explain to me why you wanted it and I could not answer that question.

The short time required to present the warrants to the Asst. Treasurer at N. Orleans and the little difficulty in transporting the money to Baton Rouge, caused an inquiry as to why au-

thority to pay by the warrants was desired.

I have been again at work with the Com. of 13 and this morning obtained a vote on my proposition recognizing as a Constitutional fact the existence of property in slaves throughout the U. S. and their territories. Every black Rep. voted against it—Bight and Rice voted for it. Douglas declined to vote. Proposition lost.

In haste & therefore omitting much I wish to say I am as ever your friend

JEFFERSON DAVIS

Jefferson Davis to J. J. Pettus.
(From Mississippi Department of Archives and History.)

My Dear Sir

Washington 31 Decr 1860

Herewith you will please find the information promised you in a former Communication.

came a planter. He was a member of the State House of Representatives, 1846-1848; member of the State Senate, 1848-1858, and was elected president of that body in 1854; was acting governor of Mississippi from January 5 to 10, 1854, and Governor, 1860-1864. He convened a special session of the legislature in 1862 to provide additional confederate troops and was a brigadier general in the Confederate Army, 1863-1865. He removed to Arkansas after the war and died there January 25, 1867. For an account of his administration as Governor of Mississippi see Dunbar Rowland, Mississippi, Vol. 2, pp. 410-419.

The amounts may be of somewhat a guide the prices are however what I supposed was more required

Your friend

Hon. J. J. Pettus Governor JEFFERSON DAVIS

Jackson Miss.

Joseph E. Davis 1 to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Hurricane Jany 2nd 1861

Dear Brother

Your letter of the 17 Der was recd yesterday, I am pained to hear of your suffering, from dyspepsia & neuralgia, for several days a rumor was in circulation that you had been severely wounded in conflict with A Johnson of Tennessee, although I disbelieved the report yet felt much anxiety, to know if anything had occurred to justify the rumor.

Co was here yesterday and I urged him to write immediately with a statement of his account, which he promised to do, he will leave Brieffield on Monday next.

It seems that both Brierfield & Hurricane have had a contraband trade in corn & Whiskey with Belk on the Island. Co does not seem to have used sufficient energy & vigilance Isaac, Aleck Carter, & Aleck Payn found guilty and rec^d punishment Frank McKenny & Nelson Yandevale of the Hurricane were detected & this led to the discovery at the Brierfield

John Perkins was here yesterday for a few minutes, he is actively engaged in the canvass, for the convention, he rec^d the nomination for the Senatorial district which extend from Redriver to Madison Parish. I shewed him or rather read to him a part of your letter, he seemed greatly pleased at its statement except the possibility of reconstruction, his mind is entirely taken up with the canvass Jan^y 3^d I had progressed, when I was informed that two Gentlemen were in the house—I found D^r

² Davis, Joseph Emory (1784-1870), a lawyer and elder brother of Jefferson Davis, was born near Augusta, Ga., December 10, 1784, removed to Kentucky in 1796, worked in mercantile house; studied law; removed to Mississippi in 1811, and was admitted to the bar the following year. He practised at Pinckneyville and Greenville; represented Jefferson County in the constitutional convention of 1817; removed to Natchez in 1820 and there practised law with Thomas B. Reed. Abandoning his profession in 1827, he removed to Hurricane Bend and engaged in planting. His plantation was confiscated by union forces, and although he regained his property after the war he continued to live at Vicksburg until his death, September 18, 1870.

Mitchell & William Briscoe, the latter is the nominee of Madison Parish for the convention, he says he thinks there will be no cooperation ticket for Madison.

The news this morning is startling but you I believe never

rely upon the Telegraph.

I hope soon to hear from you Love to Varina & the children.

Hon' Jeffa Davis

Your Brother

Washington City D. C—

W. F. M. Magraw to Jefferson Davis.

(From the Library of Congress, Manuscripts Division.)

Indianola, Warren Co., Iowa, January 3d 1861

My Dear Sirs—

I have been spending the greater part of this Winter in this place, feeding our cattle, which we brought from Missouri in consequence of the scarcity of forage in that State— While here, we have done most of our business through the firm of Wells & Bro.— Their firm is also engaged in the stock and Livery business in your State at Holly Springs, where the Junior partner, Mr. H. B. Wells, resides— I have regularly been shown his letters to his Bro. Lewis Wells of this place, for the last three months, and would require no better evidence of his soundness upon the great and vital question now agitating our country, nor one who more deeply sympathizes with us in our just rights and demands under the Constitution of the United States—His Brother, resident of this place, is one of the most ultra State Rights men that I have met in this country—His political course has been so odious to the leading Black Republicans here, that it is daily manifested toward him in his private and public business, and nothing would cause so much exultation here among his enemies, as to learn of his brother's being expelled from the south, and an interference with their business in that quarter-

Mr. Wells, here, received a letter yesterday from his Brother in the South, stating that he had been summoned before the Safety Committee at Holly Springs to answer some charges that had been preferred against him; after an examination of which he was honorably acquitted—

My object in writing to you is to suggest that you write to some of our leading men, there, to prevent, as far as in their power a repetition of a like occurrence to a gentleman whom I know to be our friend, and whose connexion are our strong allies

in the North—While I would advocate the strictest scrutiny to be observed in reference to the conduct of those amongst us in these troublesome times, at the same time, we must be careful not to injure the innocent, nor impair the confidence of our allies in the North who acknowledge the justice of our cause—

The resident Mr. Wells at this place, is one of the largest merchants and stock dealers in this country— He has, to my certain knowledge, made strenuous efforts to sell his property here and remove south; and in the event of the separation of this government, at least, one hundred and fifty of the best men in this county, would follow the example of Mr. Wells, and go south—

The North has become so intensely abolitionized, (or rather its Black Republican Leaders, assisted by the fanaticism of a prostituted pulpit,) that the thinking portion of the people are unable to foresee what outrage may be presented to them to be endured—

This is Mr. Curtis's District, and you may rest assured that a large portion of the people will hold him and Mr. Grimes to a strict account, if they persist in not being willing to yield to the South her just rights and demands— The greatest consternation prevails here, among the Republicans, as to the result, for, be assured, they dread the consequences that they have brought upon themselves and the country— An outraged people will hold them to strict account—

I have met scores of men here, who voted for Mr. Lincoln who would not now repeat their folly—

I trust you will find time immediately to communicate with our friends at Holly Springs, upon this subject, and if you see proper, you may enclose this letter also— My excuse in writing at this time, is, that an honorable man be protected in his rights in his adopted home—

I would be pleased to receive any communication from you that you may think interesting, addressed to me, at my home, in Independence Mo.— My kind regards to Senator Green, and I hope and trust that you and he, in the adjustment of the present troubles, may add fresh laurels to your name and fame—

"Ask for nothing but what is right and submit to nothing wrong."

Yours Respectfully—

W. M. F. Magraw

To the Hon. Jefferson Davis & ..

Hon. A. G. Brown U. S. S. Washington— D. C. Jefferson Davis to J. J. Pettus.

(From Mississippi Department of Archives and History.)

Washington Jany 4, 1861

My dear Sir,

In my frequent brief and hasty notes I have not replied to your inquiry as to my present opinion in relation to the time when the ordinance of secession of Missi. should take effect. This being a day set apart for "humiliation and prayer" I will assign a part of it to the duty of stating my views on the point

of your inquiry.

There are many acts which may be done during this session of Congress if the Black-republicans have a majority in both houses of Congress which must be detrimental to the South. On the 8th the attempt will be made to pass a force bill through the House of Reps. & it will probably succeed. The senate as it now stands can defeat it. A loan bill of huge proportions will be requisite to enable Mr. Lincoln to carry out his policy of coercion. it is important to defeat that measure of finance. Mr. Buchanan will no doubt seek to fill all vacancies occurring in the seceding states by the appointment of northern men, it will be better to reject them than to require our people to expel them; to do this will require all the Southern senators to be present.

Post offices and Post route contractors are necessary to the commercial, political and social relations of our people. To substitute new arrangements for those now existing will require some time. Commercial machinery will be required alike for exports and imports. Even if we should adopt free trade, we must have the ability to clear vessels carrying cargoes to foreign ports. But it is needless to you to enumerate all the points for which provision must be made to avoid the imposition of onerous embarrassments on our people at the period of transition from the old to new governmental relations.

We should not halt, least of all hesitate, the moral power of steady progress must not be impaired, but let us advance with calm deliberation and due regard to all the necessities of the case. If when Lincoln comes to his office he finds no new powers granted for the collection of revenue, no additional force provided for, no funds beyond the accruing revenue, no extraordinary appropriations, he will have little power until the meeting of another congress. He cannot convoke the Congress before next fall, unless he chooses to assemble it in despite of the fact

that several of the border slave states have not held an election. To disregard that fact will drive them forthwith into alliance with us, to wait for them gives us the time for preparation which we now most need.

It has therefore seemed to me that it would be well in enacting an ordinance of secession to provide for a temporary continuance of the federal officers and representatives of the state so far as the same may be necessary. It will hardly be possible to inaugurate a government for the new confederacy before the 4th of March, but it should not be postponed to a later date. When on a former occasion I selected that date it was for the two fold consideration, that less than the intervening time would hardly suffice, and that date would present in a palpable form the fact of our resistance to Black republican domination. With this rapid statement of my opinion I leave the case to those to whom its decision belongs, confident that they will judge wisely, and satisfied to abide by and sustain their decision.

Presdt. Buchanan has forfeited any claim which he may have had on our forbearance and support. I regard his treatment of So. Ca. as perfidious, and place no reliance upon him for the protection of our rights or abstinence from hostility to us. In this however do not understand me as alledging a wicked purpose, his evil deeds rather spring from irresolution and an increasing dread of northern excitement. He is said to fear that his house at "Wheatland may be burned, & it is reported that he apprehends impeachment when the withdrawal of Southern senators shall give the Black Repubs. the requisite majority in the Senate to convict him.

Please let me hear from you as often and as fully as your convenience will permit, and believe me ever truly your friend Jefferson Davis

Govr. J. J. Pettus.

Remarks of Jefferson Davis on the Pacific railroad bill. Jan. 5, 1861.

Mr. DAVIS. Mr. President, it is well known that, for many years past, I have departed from those with whom I was usually associated, in advocating some plan of coupling the Pacific coast with the valley of the Mississippi. I have considered it a physical problem, worthy of the highest efforts of a great people, to overcome that difficulty which, in all history, has shown that men

could not be aggregated together under one Government if they were divided by impassable mountains. I have thought it an achievement worthy of our age and of our people, to couple with bonds of iron the people of the Pacific with the valley of the Mississippi, and show that even the snow-capped mountains intervening could not divide them.

At the same time, I have believed also that this was only to be done by throwing the route open to the selection of the capitalists who were to build the road, and giving those advantages which the Government might give as a party in interest, to be benefited by the construction of a road for its purposes; not making a Government road, nor making it out of the Treasury of the United States, regarding it as a road which had commercial and political considerations in which individuals might have interests, and in which the Government had an interest for the transportation of its troops, its munitions, its mails, and

to that extent become a party to its construction.

But, sir, there never has been a day, emulous as I was to see this great triumph achieved by my country, when I would have consented to turn over this great enterprise to the hands of a self-constituted corporation, men who have named themselves, and get Congress to take their names, that they may be recipients of grants so extensive in their character, that the world has never seen the like—powers, the end of which no man can see, for this great artery that couples the productive regions of the Pacific coast with the productive regions of the valley of the Mississippi, is to have a controlling power, financial and political, before which the United States Bank stands but as a pigmy. To turn this all over, then, to a self-constituted corporation. and here to wrangle about whether it shall start from a certain initial point or not; whether it shall wind through a certain valley, or whether it shall take some other line, is to waste the energies of a great people upon the greatest physical problem that has ever been offered to the consideration of man. I will have none of it. I will support no bill which bears upon its face the brand of being the means of enriching certain indi-It must be thrown open as a great public work to the people of the United States. The Government must have no other connection with it than as a party in interest. Government must be separated from all political control over it; and thus alone will I ever vote for it, devoted as I have been to the idea that it was an essential work, not only to secure these parts of the Union together which were divided by an impassable

mountain, but for the achievement of the great objects for which our Government was instituted while it lasts.

I have, therefore, not attempted to offer any amendments, and had not intended to intrude into the debate. I have intended to vote against every proposition which attempted either to establish the road or to organize a company for the construction of such a road. Let the Government offer those privileges which it is authorized to give to any company which will build it; let that company locate it where the hand of nature has designated the road should be built; and then I say we should all give it our support.

Mr. BAKER. I had been led to suppose, when I came here, that there was a party in Congress in favor of a Pacific railroad. I believe I am mistaken; or if there be, I am sure that it is lying supinely by and giving the control of the measure that is proposed into the hands of its enemies. We have seen now every conceivable mode of objection, which the time will permit, made against it, with the appearance sometimes of friendship, but with all the tenacity of enmity. Gentlemen forget in their objections, as I think, whatever may be learned from experience as to legislation upon subjects somewhat kindred. Now, I understand the distinguished Senator from Mississippi, who has just spoken, to say that he will not go for any measure which will give the Government political control, and that he will not go for any measure which will tend to enrich individuals.

Mr. DAVIS. I said nothing of that sort.

Mr. BAKER. Did you not say so, sir?

Mr. DAVIS. I said I would go for no organization which was for the purpose of enriching individuals. Any public work in which individuals engage may enrich them; but if the object is to enrich them, I seorn the connection.

Mr. BAKER. And, Mr. President, that scorn will no doubt be very effectual in that respect.

Mr. DAVIS. I do not intend to answer the Senator at any length; but he speaks of economy, and I suppose he means certainly not economy in words, from the manner in which he has discussed it. But he announces, with somewhat a royal air, that "we, the friends of this bill," and points to others as the enemies of the bill; and I was at a loss to know what he meant until finally he brought it to the point of a party, to which he then made his appeal, sustaining this bill. It is quite apparent, sir, that the Senator well said that he had barely had time to read the bill, though he announced himself that he had

been studying it for ten years. He seemed to pass over altogether the notorious fact in this body, that the proposition has been before a select committee of the Senate; that that select committee has reported, majority and minority; it has been considered in this body, and is by no means a new measure here.

Mr. BAKER. Allow me to ask the Senator, did I say it was

a new measure?

Mr. DAVIS. You spoke of this bill as quite a new thing coming from the House; and you went on to discuss it very much as though it was a thing we had not considered before.

Mr. BAKER. Allow me to correct the Senator from Missis-

sippi?

Mr. DAVIS. Certainly.

Mr. BAKER. I said first, that this bill had been maturing in the lower House three years. I said in the next place, that the idea of a Pacific railroad was one which we on the other side, had studied for ten years at least. I correct the Senator

in both these particulars.

Mr. DAVIS. In all the studies of the Senator it seems he did not study the fact that the Senate has been at work on it perhaps not so long, but quite as diligently as himself; for not once did he refer to the consideration of that subject in this body, to its special committee, its majority and minority report; and if he knew it, he was bound to have referred to it, because then he must have understood better than he seems to understand the character of the proposition which I suggested in lieu of that which was before us, because it has been before this body, printed, and discussed in it when we had not the advantage of being instructed by the Senator. With his view of Government, in which he holds light the doctrine of State-right, and would build this road by the Government alone, there could be very little of constitutional objection to any plan which could be presented. There is still, however, a party in the Senate who do not hold such views; there are still those who believe this to be a Government of the States; who believe it to be a Union of States voluntarily associated together; and that every measure is to have a distinct reference to the interests and the safety of the States; that we live under a Constitution, a written compact made by the States, and that a measure is not to be passed here because it is the behest of a party. That man forgets his duty as a Senator who would put the interests of a party above the interests of the country.

I do not know, Mr. President, what right the Senator has

thus to assume to mark out the bounds and limits within this body of the friends and enemies of the great measure of coupling the valley of the Mississippi with the Pacific ocean. I do not know what right he has to introduce a new banner here under which men are compelled to march. I do not know what labors the Senator may have performed, nor how deep his interest is. I might match my labors against his, however, on the great measure, and leave others to decide which had done most to advance it. The remarks I made, sir, were not made as an enemy of a railroad which should couple the Mississippi river and the Pacific ocean; but as a friend of the measure, which I believed could be effectuated only in one method, which, on former occasions. I have more fully explained than it is needful for me to do now. My objection to the present plan is one which I have a right to make, and, most of all, because of the deep study I have given to the subject, and because of another proposition, which I once before presented to the Senate, which I believed rendered it easy to construct a road, and to separate it from all dregs of party and sectional politics, by putting it on the basis of a great national construction, to be made by those who chose to invest their money in it; and leaving to them, (in order that no sectional advantage might be acquired by anybody.) by a study of the face of the country, and following the precepts of nature to decide where they would build the road. which they could thus make profitable to themselves, they furnishing the money, they locating the road, and the Government giving that aid in the Territories to couple the States of the valley of the Mississippi with those of the Pacific, which it was competent for the Government to give as a great party in interest.

If, Mr. President, this measure shall fail; if we shall never achieve the great object of overcoming the physical difficulties that threaten some day or other to separate two portions of country now united together; if, indeed, we may hope to look forward to their remaining together until thus separated by natural causes, the cause of the failure of the measure will not be the opposition which I have presented; but if men confine the reward to a corporation, to particular individuals who are to be enriched by the bill, I leave them to the enjoyment of it, and will remain under the consolation that I have followed, so far as I could, the doctrines of the Constitution, and been governed by the finger of nature as it pointed to the location of a road where physical obstacles most disappeared.

Jefferson Davis to J. J. Pettus.

(From Confederate Museum.)

Washington, D. C.

Gov. J. J. Pettus,

Jackson, Missi.

January 9, 1861.

Wrote you on 7th Inst. stating objections. Judge what Mississippi requires of me and place me accordingly. (Signed) Jefferson Davis.

Mr. Callan telegraph. Charges at Jackson.

(This appears to be only a copy of the message sent)

Remarks of Jefferson Davis on the special message in reference to affairs in South Carolina, Jan. 9, 1861.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia, that the call for the reading of the message was made at an early stage of the morning business; but, by common consent, the Senator from New York waived his call; and he had the right to resume it, and make the call whenever he saw proper, owing to the informal manner in which business has been transacted this morning. The Chair regards the call now as strictly in order; and will lay before the Senate the communication from the President of the United States.

The Secretary read the message of the President of the United States.

Mr. BIGLER. I move that the message lie on the table, and be printed.

Mr. DAVIS. I call for the reading of the accompanying papers, to which reference is made in the President's message.

The Secretary read the communication of Messrs. Barnwell, Adams, and Orr, to the President, dated December 28, 1860, and the President's response, dated December 30, 1860.

Mr. DAVIS. Are those all the papers which accompany the communication?

The PRESIDING OFFICER. The Chair understands that those are all, except the ordinance of the State of South Carolina, and the commission of the commissioners.

Mr. DAVIS. Mr. President, at a very recent period, the country looked with anxious solicitude to the condition of South Carolina, and particularly the port of Charleston, apprehending collision between the United States and one of the States. That solicitude was intensified by the arrival of commissioners representing the sovereignty of the State, and offering by peaceful negotiation to adjust the pending difficulties between South Carolina and the United States. The high character of those gentlemen—one of them well known to those who served in the Senate many years ago-known, especially, for his Christianity, his urbanity, and his manliness in all the relations of life-gave assurance that those negotiations might be peaceable; gave reason to hope they might be successful. They were suddenly terminated; and at once rumors went forth that, notwithstanding the high character of that commission, they had violated the proprieties of life; had insulted the President; the rumor was, had used billingsgate to him in their reply. The fact was known everywhere that the commissioners had retired from Washington, and that negotiations were abruptly terminated, President, in his message, does not even allude to the cause of the failure of those negotiations thus attempted on the part of South Carolina. He does not even tell us that the commissioners are gone. He stops with the letter which he sent to them; and which, I must say, with all the respect due to the office he holds, was wanting in fairness, and was a perversion of the arguments which they had presented. When they replied to him, however, and exposed the unfairness with which he had treated their efforts at peaceful negotiation, the facts which they stated certainly being most uncomfortable to him—he returned their letter as one which he would not receive; and his communication to Congress does not even permit us to know that those commissioners ever attempted to reply to the position which he had Though they told him they had made no demand; though they told him they had never said peaceful negotiation was impossible, and thus corrected the misstatement of his paper to them, he sends that paper to the world, without even any reference to the fact that it ever was answered. I have an authenticated copy of their answer; and I send that to the Secretary's desk that it may be read.

Mr. KING. Mr. President, the Senator from Mississippi talks of the high character of those gentlemen who came here from South Carolina. Benedict Arnold and Aaron Burr were men

who at one time held high positions-

Mr. DAVIS. And the Senator once had a better position than he has now, when he is not entitled to the floor.

Mr. KING. I call the gentleman to order. He is out of

order.

Mr. DAVIS. You are out of order, sir. I sent a paper to be read.

Mr. KING. These were messengers of treason.

Mr. DAVIS. I call the Senator from New York to order.

Mr. BIGLER and others. He is clearly out of order.

Mr. KING. I call the gentleman to order. I object to the paper.

Mr. DAVIS. If the Senator has the meanness to object to the Clerk reading the paper, let him send it back to me, and I will read it.

The PRESIDING OFFICER. If the reading be objected to, the question must be put to the Senate; but the Senator himself can read it.

Mr. BIGLER. The Senator has no right to object to the read-

ing of the paper, and I suppose will not.

The PRESIDING OFFICER. The question is to be decided by the Senate, and without debate, whether the Clerk shall be permitted to read the communication sent up by the Senator from Mississippi.

Mr. KING. I object to its reception.

The PRESIDING OFFICER. The Senator is out of order. The question must be put and decided without debate.

Mr. KING. I objected to the reception of the paper, and

not to its reading.

The PRESIDING OFFICER. The Chair understands that. Mr. KING. If the paper is offered to the Senate, I object to its reception.

Mr. DOUGLAS. I do not understand that the paper is offered to the Senate; but it is proposed to be read as a part of the

Senator's speech.

Mr. DAVIS. I am addressing the Senate; I have the floor, and I have the right to read the paper. If the Senator chooses to object to the Clerk reading it, I can get it read very easily otherwise.

Mr. DAVIS. When I sent the paper to the Secretary's desk to be read, it was certainly as a part of my remarks; but the Senate, I suppose, considering it too valuable to be appropriated by one person, upon the objection of the Senator from New York have taken it to themselves. Now, I am perfectly willing that the Senate shall decide, as they would upon their own paper. If they do not keep it, it will be mine again. If they do keep it, I am content.

Mr. COLLAMER. I wish to understand the gentleman aright. He presented this paper in the first place, not as a paper for the action of the Senate at all, but merely a paper to be read in continuance of the remarks he was making.

Mr. DAVIS. Just as if I was reading it myself; and, consequently, the very great surprise which I felt at any one making an objection; and hence the offer of my friends around me to read it for me.

Mr. COLLAMER. Then I understand that the gentleman merely offered it as a part of his remarks. I understand the Senator from New York objected to that as a paper presented to constitute a part of the papers of the body. That was the ground of his objection. Then his objection was grounded on an utter mistake, for the paper was not presented with any such view; its reading was not called for as a paper belonging to the Senate, or ever to belong to the Senate at

Mr. BAKER. If I understand, the question is whether the Senator from Mississippi has the right to have the paper read as a part of his speech, or to read it himself.

The PRESIDING OFFICER. The question is on ordering the paper to be read.

Mr. BAKER. I vote "yea."

Mr. COLLAMER, (when his name was called.) I desire to know whether the question is whether this paper shall be read as a part of the gentleman's speech?

The PRESIDING OFFICER. The question is on ordering

the paper to be read under the rule.

Mr. COLLAMER. Do I understand the Chair to consider it a paper offered as part of the proceedings of the Senate?

The PRESIDING OFFICER. Under the rule, yes, sir.

Mr. COLLAMER. I vote "nay."

Mr. FESSENDEN, (when his name was called.) I desire, by permission of the Senate, to say one word in explanation. I said, when I was up before, that if this was offered, as I understood it to be offered, as a part of the Senator's speech, and merely to be read according to the ordinary courtesy of the Senate, I was in favor of it. I understand now the Chair to say, that it is offered to be read as a paper on the table, and a part of the proceedings of the Senate. If so, I vote "nay."

Mr. FOSTER, (when his name was called.) I desire to say, with the permission of the Senate, one word; and that is, that I do not understand that we can take this paper from the Senator from Mississippi by our vote. It is his paper. If the question were, whether the paper should be among the archives of the Senate, I should vote "nay;" but regarding it as a question whether the paper shall be read or not, and not believing that this Senate, by a unanimous vote, could make a private paper the property of the Senate, I must vote "yea."

The Secretary concluded the calling of the roll.

Mr. BINGHAM. I desire to vote. I would vote yea if I understood the Senator from Mississippi to desire to have the paper read as a part of his speech; but if it is to be voted upon as a part of the proceedings of the Senate, I vote nay.

The result was announced—yeas 36, nays 13; as follows:

YEAS—Messrs. Baker, Benjamin, Bigler, Bright, Brown, Cameron, Clay, Clingman, Crittenden, Davis, Dixon, Douglas, Fitch, Fitzpatrick, Foster, Green, Gwin, Hale, Hemphill, Iverson, Kennedy, Latham, Mallory, Mason, Polk, Powell, Pugh, Rice, Saulsbury, Sebastian, Seward, Slidell, Toombs, Wigfall, Wilson, and Yulee—36.

NAÝS—Messrs. Bingham, Chandler, Clark, Collamer, Doolittle, Durkee, Fessenden, Harlan, King, Ten Eyek, Trumbull,

Wade, and Wilkinson-13.

The PRESIDING OFFICER. The motion is agreed to, and the Clerk will proceed to read the communication.

The Clerk read it, as follows:

Washington, January 1, 1861.

SIR: We have the honor to acknowledge the receipt of your letter of the 30th of December, in reply to a note addressed by us to you, on the 28th of the same month, as commissioners from South Carolina.

In reference to the declaration with which your reply commences, that your "position as President of the United States was already defined in the message to Congress of the 3d instant;" that you possess "no power to change the relations heretofore existing" between South Carolina and the United States, "much less to acknowledge the independence of that State," and that consequently you could meet us only as private gentlemen of the highest character, with an entire willingness to communicate to Congress any proposition we might have to make, we deem it only necessary to say that the State of South Carolina having, in the exercise of that great right of self-government which underlies all our political organizations, declared herself sovereign and independent, we, as her representatives, felt no special solicitude as to the character in which you might recognize us.

Satisfied that the State had simply exercised her unquestionable right, we were prepared, in order to reach substantial good, to waive the formal considerations which your constitutional scruples might have prevented you from extending. We came here, therefore, expecting to be received as you did receive us,

and perfectly content, with that entire willingness of which you assured us, to submit any proposition to Congress which we might have to make upon the subject of the independence of the State. That willingness was ample recognition of the condition of public affairs, which rendered our presence necessary.

In this position, however, it is our duty both to the State which we represent and to ourselves, to correct several important misconceptions of our letter into which you have fallen. You say:

"It was my earnest desire that such a disposition might be made of the whole subject by Congress, who alone possesses the power to prevent the inauguration of a civil war between the parties in regard to the possession of the Federal forts in the harbor of Charleston; and I therefore deeply regret that in your opinion the events of the last twenty-four hours render this impossible."

We expressed no such opinion; and the language which you quote as ours is altered in its sense by the omission of a most important part of the sentence. What we did say was: "But the events of the last twenty-four hours render such an assurance impossible." Place that "assurance," as contained in our letter, in the sentence, and we are prepared to repeat it. Again,

professing to quote our language, you say:

"Thus the authorities of South Carolina, without waiting or asking for any explanation, and doubtless believing, as you have expressed it, that the officer had acted not only without but

against my orders," &c.

We expressed no such opinion in reference to the belief of the people of South Carolina. The language which you have quoted was applied solely and entirely to *our* assurances obtained here, and based, as you well know, upon your own declaration—a declaration which, at that time, it was impossible for the authorities of South Carolina to have known.

But, without following this letter into all its details, we pro-

pose only to meet the chief points of the argument.

Some weeks ago the State of South Carolina declared her intention, in the existing condition of public affairs, to secede from the United States. She called a convention of her people to put her declaration in force. The convention met and passed the ordinance of secession. All this you anticipated, and your course of action was thoroughly considered in your annual message. You declared you had no right, and would not attempt, to coerce a seceding State, but that you were bound by your constitutional oath, and would defend the property of the United States within the borders of South Carolina, if an attempt was made to take it by force. Seeing very early that this question of property was a difficult and delicate one, you manifested a desire to settle it without collision. You did not reinforce the garrison in the harbor of Charleston. You removed a distinguished and

veteran officer from the command of Fort Moultrie because he attempted to increase his supply of ammunition. You refused to send additional troops to the same garrison, when applied for by the officer appointed to succeed him. You accepted the resignation of the oldest and most eminent member of your Cabinet, rather than allow the garrison to be strengthened. You compelled an officer stationed at Fort Sumter to return immediately to the arsenal forty muskets which he had taken to arm his men. You expressed, not to one, but to many, of the most distinguished of our public characters, whose testimony will be placed upon the record whenever it is necessary, your anxiety for a peaceful termination of this controversy, and your willingness not to disturb the military status of the forts, if commissioners should be sent to the Government, whose communications you promised to submit to Congress. You received and acted on assurances from the highest official authorities of South Carolina that no attempt would be made to disturb your possession of the forts and property of the United States if you would not disturb their existing condition until the commissioners had been sent, and the attempt to negotiate had failed. You took from the members of the House of Representatives a written memorandum that no such attempt should be made, "provided that no reinforcements shall be sent into those forts, and their relative military status shall remain as at present." And although you attach no force to the acceptance of such a paper—although you "considered it as nothing more in effect than the promise of highly honorable gentlemen'—as an obligation on one side without corresponding obligation on the other, it must be remembered (if we are rightly informed) that you were pledged, if you ever did send reinforcements, to return it to those from whom you had received it before you executed your resolution. You sent orders to your officers commanding them strictly to follow a line of conduct in conformity with such an understanding. Besides all this, you had received formal and official notice from the Governor of South Carolina that we had been appointed commissioners, and were on our way to Washington. You knew the implied condition under which we came; our arrival was notified to you, and an hour appointed for an interview.

We arived in Washington on Wednesday, at three o'clock, and you appointed an interview with us at one the next day. Early on that day, (Thursday,) the news was received here of the movement of Major Anderson. That news was communicated to you immediately; and you postponed our meeting until half past two o'clock on Friday, in order that you might consult your Cabinet. On Friday we saw you; and we called upon you then to redeem your pledge. You could not deny it. With the facts we have stated, and in the face of the crowning and conclusive fact that your Secretary at War had resigned his seat.

in the Cabinet upon the publicly avowed ground that the action of Major Anderson had violated the pledged faith of the Government, and that unless the pledge was instantly redeemed he was dishonored, denial was impossible; you did not deny it. You do not deny it now; but you seek to escape from its obligation on the grounds: first, that we terminated all negotiation by demanding, as a preliminary, the withdrawal of the United States troops from the harbor of Charleston; and, second, that the authorities of South Carolina, instead of asking explanation, and giving you the opportunity to vindicate yourself, took possession of other

property of the United States. We will examine both.

In the first place, we deny positively that we have ever, in any way, made any such demand. Our letter is in your possession; it will stand by this on record. In it we inform you of the objects of our mission. We say that it would have been our duty to have assured you of our readiness to commence negotiations with the most earnest and anxious desire to settle all questions between us amicably and to our mutual advantage; but that events had rendered that assurance impossible. We stated the events, and we said that until some satisfactory explanation of these events was given us we could not proceed; and then, having made this request for explanation, we added: "And, in conclusion, we would urge upon you the immediate withdrawal of the troops from the harbor of Charleston. Under present circumstances, they are a standing menace, which renders negotiation impossible," &c. "Under present circumstances." What circumstances? Why, clearly, the occupation of Fort Sumter and the dismantling of Fort Moultrie by Major Anderson, in the face of your pledges, and without explanation or practical disavowal. And there is nothing in the letter which would or could have prevented you from declining to withdraw the troops and offering the restoration of the status to which you were pledged if such had been your desire. It would have been wiser and better, in our opinion, to have withdrawn the troops; and this opinion we urged upon you, but we demanded nothing but such an explanation of the events of the last twenty-four hours as would restore our confidence in the spirit with which the negotiations should be conducted.

In relation to the withdrawal of the troops from the harbor, we are compelled, however, to notice one passage of your letter.

Referring to it, you say:

"This I cannot do. This I will not do. Such an idea was never thought of by me in any possible contingency. No allusion to it had ever been made in any communication between myself and any human being."

In reply to this statement, we are compelled to say that your conversation with us left upon our minds the distinct impression that you did seriously contemplate the withdrawal of the troops

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from Charleston harbor. And in support of this impression, we would add that we have the positive assurance of gentlemen of the highest possible public reputation and the most unsullied integrity—men whose name and fame, secured by long service and patriotic achievement, place their testimony beyond cavil—that such suggestions had been made to and urged upon you by them, and had formed the subject of more than one earnest discussion with you. And it was this knowledge that induced us to urge upon you a policy which had to recommend it its own wis-

dom and the might of such authority.

As to the second point—that the authorities of South Carolina, instead of asking explanations, and giving you opportunity to vindicate yourself, took possession of other property of the United States—we would observe: 1. That even if this were so, it does not avail you for defense, for the opportunity for decision was afforded you before these facts occurred. We arrived in Washington on Wednesday: the news from Major Anderson reached here early on Thursday, and was immediately communicated to you. All that day men of the highest consideration; men who had striven successfully to lift you to your great office; who had been your tried and true friends through the troubles of your administration, sought you and entreated you to act—to act at once. They told you that every hour complicated your position. They only asked you to give the assurance, if the facts were so; that if the commander had acted without and against your orders, and in violation of your pledges, you would restore the status you had pledged your honor to maintain. You refused to decide. Your Secretary of War, your immediate and proper adviser in this whole matter, waited anxiously for your decision until he felt that delay was becoming dishonor. More than twelve hours passed, and two Cabinet meetings had adjourned before you knew what the authorities of South Carolina had done, and your prompt decision at any moment of that time would have avoided the subsequent complications.

But, if you had known the acts of the authorities of South Carolina, should that have prevented your keeping your faith? What was the condition of things? For the last sixty days you have had in Charleston harbor not force enough to hold the forts against an equal enemy. Two of them were empty; one of those two, the most important in the harbor. It could have been taken at any time. You ought to know better than any man that it would have been taken, but for the efforts of those who put their trust in your honor. Believing that they were threatened by Fort Sumter especially, the people were with difficulty restrained from securing without blood the possession of this important fortress. After many and reiterated assurances given on your behalf, which we cannot believe unauthorized, they determined to forbear, and in good faith sent on their commission-

ers to negotiate with you. They meant you no harm—wished you no ill. They thought of you kindly, believed you true, and were willing, as far as was consistent with duty, to spare you unnecessary and hostile collision. Scarcely had these commissioners left than Major Anderson waged war. No other words will describe his action. It was not a peaceful change from one fort to another; it was a hostile act in the highest sense, and only justified in the presence of a superior enemy, and in imminent peril. He abandoned his position, spiked his guns, burnt his gun-carriages, made preparations for the destruction of his post, and withdrew under cover of the night to a safer position. This was war. No man could have believed (without your assurance) that any officer could have taken such a step, "not only

without orders, but against orders."

What the State did was in simple self-defense; for this act, with all its attending circumstances, was as much war as firing a volley; and war being thus begun, until those commencing it explained their action and disavowed their intention, there was no room for delay; and even at this moment, while we are writing, it is more than probable, from the tenor of your letter, that reinforcements are hurrying on to the conflict, so that when the first gun shall be fired there will have been, on your part, one continuous, consistent series of actions, commencing in a demonstration essentially warlike, supported by regular reinforcement, and terminating in defeat or victory. And all this without the slightest provocation; for, among the many things which you have said, there is one thing you cannot say-you have waited anxiously for news from the seat of war, in hopes that delay would furnish some excuse for this precipitation. But this "tangible evidence of a design to proceed to a hostile act, on the part of the authorities of South Carolina," which is the only justification of Major Anderson, you are forced to admit, "has not yet been alleged." But you have decided; you have resolved to hold by force what you have obtained through our misplaced confidence; and by refusing to disavow the action of Major Anderson, have converted his violation of orders into a legitimate act of your executive authority. Be the issue what it may, of this we are assured, that if Fort Moultrie has been recorded in history as a memorial of Carolina gallantry, Fort Sumter will live upon the succeeding page as an imperishable testimony of Carolina faith.

By your course you have probably rendered civil war inevitable. Be it so. If you choose to force this issue upon us, the State of South Carolina will accept it; and relying upon Him who is the God of Justice as well as the God of Hosts, will endeavor to perform the great duty which lies before her hopefully, bravely, and thoroughly.

Our mission being one for negotiation and peace, and your

note leaving us without hope of a withdrawal of the troops from Fort Sumter, or of the restoration of the *status quo* existing at the time of our arrival, and intimating, as we think, your determination to reinforce the garrison in the harbor of Charleston, we respectfully inform you that we propose returning to Charleston to-morrow afternoon.

We have the honor to be, sir, very respectfully, your obedient

servants,

R. W. BARNWELL, J. H. ADAMS, JAMES L. ORR, Commissioners.

To His Excellency the President United States.

Mr. DAVIS. Now read the indorsement. The Clerk read the indorsement, as follows:

Executive Mansion, $3\frac{1}{2}$ o'clock, Wednesday.

This paper, just presented to the President, is of such a character that he declines to receive it.

Mr. DAVIS. Mr. President, an episode is said to delay the progress, but not to change the character of a poem. Certainly a very long episode has been introduced into the remarks which I have proposed this morning to make; and they do change the conclusion to which I would have arrived. I feel, now even more than before, pity for the Executive of the United States. When a proposition was made to read a paper as a part of the remarks which I proposed to submit, the Senator from New York appears taking charge of the Executive and protecting him from a constructive rebuke by the Senate. Sorrowful, indeed, is the position of that Executive, so lately borne to the high office which he holds upon the shoulders of the great Democracy of the country, when he must turn to the Senator from New York to protect him from them. But I know that new converts are always zealous. They have an excess of zeal, which has grown even to a proverb. To that excess of zeal I am willing to attribute the discourtesy to which I made a harsh reply this morning.

But I ask, when the peace of the country was at stake, when all men who love the Government we inherit from our fathers looked anxiously to a peaceful solution, why, if mistaken in the character of the paper of these commissioners, did this paper (harsh, I admit, in some of its terms) not change the purpose of the President? Why did he not then call upon them for the means by which peace may be restored to South Carolina? Thus he would have initiated a measure which might have led to beneficial results. Thus he might have turned the threatening brow of civil war away. Then we should not have stood as we do to-day, waiting hourly for what the telegraph may bring, to decide whether we have peace or war in our land.

I did not intend this morning, however, to have protracted my remarks so as to have interfered with the Senator from Massachusetts, [Mr. Wilson.] I sent a page to him, and offered to resign the floor; but I learned from him that he did not wish to occupy it to-day. I have already occupied the floor some time, though I was not upon it discussing a question raised in my own case, in which I have verified the proverb that "our curses sometimes do a blessing prove;" for what I intended to have read and incorporated in my own remarks, the Senator from New York has taken from that hiding-place where men might never have found it, and brought it out into the broad light of the Senate Journal. I thank him. But there was a special order for to-day—

Mr. BIGLER. If the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Mississippi yield the floor?

Mr. DAVIS. Certainly.

Mr. BIGLER. It is half past two o'clock and more. I presume the Senator does not wish to address the Senate further to-day on this subject.

Mr. DAVIS. At some time I do.

Mr. BIGLER. Then, with his permission, I will move to postpone this subject until one o'clock to-morrow.

Mr. GWIN. I hope, then, that we shall take up the special order, which was postponed by the reading of the message.

The PRESIDING OFFICER. It is moved to postpone the further consideration of the message and accompanying documents until one o'clock to-morrow.

The motion was agreed to.









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